

GEORGE MILLER, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF : DECISION
 ATLANTIC CITY, ATLANTIC COUNTY, :
 AND JOHN O’KANE, :
 :
 :
 RESPONDENTS. :
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SYNOPSIS

Petitioning parent contested the Board’s refusal to certify tenure charges against a teacher/coach.

The ALJ found and concluded that petitioner could not establish that the Board was arbitrary, capricious or unreasonable when it determined that petitioner had not shown probable cause to believe that respondent conducted himself in a manner requiring his termination from employment as a teacher or requiring a reduction of his teaching salary. Petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

OAL DKT. NO. EDU. 6084-02
AGENCY DKT. NO. 158-5/02

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions.

Upon his full and independent review, the Commissioner agrees with the Administrative Law Judge’s conclusion that the within petitioner has failed to sustain his burden of demonstrating that the Board’s action declining to certify tenure charges against Respondent O’Kane was arbitrary, capricious, unreasonable or an abuse of its discretion and, consequently, such action must be upheld.

Accordingly, the Initial Decision of the OAL is adopted for the reasons stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 31, 2003
Date of Mailing: January 31, 2003

* This decision, as the Commissioner’s final determination may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.