

#289-14 (OAL Decision: Not yet available online)

M.R., on behalf of minor child, B.R., :  
 PETITIONER, :  
 V. : COMMISSIONER OF EDUCATION  
 BOARD OF EDUCATION OF THE EAST : DECISION  
 WINDSOR REGIONAL SCHOOL DISTRICT, :  
 MERCER COUNTY; MELVIN H. KREPS :  
 MIDDLE SCHOOL; RONALD E. BOLANDI, :  
 SUPERINTENDENT; ALICE WEISMAN, :  
 PRESIDENT; A. LEVERITT, PRINCIPAL, :  
 :  
 RESPONDENTS. :  
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SYNOPSIS

Petitioner – the mother of B.R. – alleged that the respondent Board placed her child in an inclusion math and social studies class against her objection to such placement. Petitioner sought modification of the school district’s procedures for class placement and reimbursement for private school tuition which she incurred. Respondent Board denied the allegations, and filed a motion for summary decision.

The ALJ found, *inter alia*, that: there is no genuine issue of material fact in dispute, and the matter is ripe for summary decision; petitioner claimed that the Board engaged in systematic racial discrimination by placing Hispanic and minority children in inclusion classes that were conducted with less academic rigor than non-inclusion classes; her assertions were based solely on her own observations and the affidavits of her two sons, who claim they were placed in classes that were not sufficiently challenging and that included disruptive students; despite her claims, no evidence was presented to show that disruption occurred in the classroom due to disabled or inclusion students; likewise, petitioner provided no probative evidence regarding her contention that respondents engaged in systematic racial discrimination by placement of students in inclusion classes. The ALJ concluded that petitioner failed to present sufficient evidence to permit this matter to go to a hearing, and accordingly granted the Board’s motion for summary decision and dismissed the petition.

Upon a full and independent review, the Commissioner concurred with the findings and conclusion of the ALJ. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter, and the petition was dismissed.

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.

July 11, 2014

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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 to the Initial Decision.

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge – for the reasons expressed in her decision – that summary decision is appropriately granted to the Board.

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.<sup>1</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 11, 2014

Date of Mailing: July 11, 2014

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).