

C.S., ON BEHALF OF MINOR CHILD, A.S., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE BOROUGH : DECISION
OF NORTH ARLINGTON, BERGEN COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner filed a *pro se* appeal challenging the integrity and accuracy of A.S.’s disciplinary record. The respondent Board filed a motion to dismiss based upon petitioner’s failure to follow the procedural requirements for a parent to challenge their child’s school record, as set forth at *N.J.A.C. 6A:32-7.7(b)* and (c).

The ALJ found, *inter alia*, that: *N.J.A.C. 6A:32-7.7(b)* and (c) lays out the procedures that a parent must follow to request a change in a student record, including disciplinary records; the parent must first notify the chief school administrator in writing of specific issues relating to their child’s student record; within 10 school days, the chief school administrator or a designee must notify the parent of the school district’s decision; if the chief school administrator disagrees with a parent request, the chief school administrator or designee will meet with the parent to resolve the issues set forth in the appeal; if the matter is not resolved, the parent may appeal to the district board of education, which then has 20 school days to render a decision; the decision of the district board of education may then be appealed to the Commissioner pursuant to *N.J.S.A. 18A:6-9* and *N.J.A.C. 6A:3*; in the instant matter, petitioner wanted the disciplinary record of his son changed, but did not meet with the chief school administrator or his designee, despite having been offered the opportunity to do so; instead, petitioner sought to bypass this portion of the regulation and wanted the matter to go directly to the Board. The ALJ concluded that petitioner did not comply with *N.J.A.C. 6A:32-7.7(b)* and (c), and further concluded that the matter should be dismissed and returned to the agency.

Upon review, the Commissioner concurred with the ALJ that the within petition was premature, as petitioner did not comply with *N.J.A.C. 6A:32-7.7(b)* and (c). Accordingly, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter. 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 21, 2016

OAL DKT. NO. EDU 03315-16
AGENCY DKT. NO. 32-2/16

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions were not timely filed in accordance with *N.J.A.C.* 1:1-18.4, and there is no indication that they were served on the Board or the Administrative Law Judge (ALJ); accordingly, the petitioner’s exceptions were not considered by the Commissioner. The Board did not file a reply.

Upon review, the Commissioner agrees with the ALJ – for the reasons thoroughly set forth in the Initial Decision – that the petition of appeal was premature, as petitioner did not comply with *N.J.A.C.* 6A:32-7.7(b) and (c). Petitioner was informed that in order to challenge the accuracy of his son’s disciplinary record, he was required by *N.J.A.C.* 6A:32-7.7(b) and (c) to meet with the Superintendent or other member of the District’s administration prior to filing an appeal before the Board. Instead, petitioner did not meet with the Superintendent and filed his appeal with the Commissioner without first filing an appeal with the Board. As petitioner did not comply with the established procedure – and the instant appeal was filed prior to a Board-level hearing – this matter is premature and must be dismissed.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the petition is hereby dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: July 21, 2016

Date of Mailing: July 21, 2016

¹ 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*).