

**New Jersey Commissioner of Education**  
**Final Decision**

L.M., on behalf of minor children, J.M. and J.M.,

Petitioner,

v.

Board of Education of the Township of  
Allamuchy, Warren County,

Respondent.

**Synopsis**

This case involves a dispute over summer homework in reading and mathematics, assigned to all students in the Allamuchy School District for completion during the summer of 2018. Petitioner, the mother of minor children J.M. and J.M., challenged the respondent Board’s Homework Policy 2330, and sought to remove summer homework grades from her older child’s overall average. Petitioner contended that she sent several notifications to the school district stating that her children would not be participating in summer homework, and asserted that her children should not be “punished” for a parental decision that she made. The Board filed a motion for summary decision.

The ALJ found, *inter alia*, that: there are no genuine issues of material fact in dispute in this case, and the matter is ripe for summary decision; petitioner sought to have certain zeros removed from her older child’s average, asserting that the Board does not have a written policy addressing summer homework and that the Board lacks authority to require students to complete any assignments outside of the 180-day school year; the Board interprets its homework policy to support its practice/policy of assigning grade-appropriate math and reading over the summer; the Board’s policy is entitled to a presumption of correctness, and should not be disturbed unless the policy or its implementation, with respect to petitioner’s children, is arbitrary, capricious or unreasonable; and the Board has a long-standing practice of assigning summer homework which is intended to reinforce the school learning experience and help students prepare for the coming school year. The ALJ concluded that the Board did not exceed the scope of its authority, nor has it violated any of its policies or any law, by supporting the assignment of summer homework; such practice/policy is not arbitrary, capricious or unreasonable; and the grades of zero that were given to J.M. when he failed to complete summer homework assignments did not reflect any arbitrary, discriminatory or unreasonable action taken by the Board. Accordingly, the ALJ granted the Board’s motion for summary decision.

Upon review, the Commissioner concurred with the ALJ’s findings and conclusion. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this case.

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.

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Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon such review, the Commissioner agrees with the Administrative Law Judge (ALJ) that the Board's practice of assigning summer homework is not arbitrary, capricious, unreasonable, or contrary to law. The Commissioner further concurs that the Board did not act in an arbitrary, capricious, or unreasonable manner by implementing grading consequences for the failure to complete summer homework assignments.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter – for the reasons thoroughly expressed therein – and the petition is hereby dismissed.

IT IS SO ORDERED.<sup>1</sup>

COMMISSIONER OF EDUCATION

Date of Decision: June 18, 2019  
Date of Mailing: June 19, 2019

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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).



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

**SUMMARY DECISION**

OAL DKT. NO. EDU 17944-18

AGENCY DKT. NO. 271-11/18

**L.M. ON BEHALF OF J.M. AND J.M.,**

Petitioners,

v.

**BOARD OF EDUCATION OF THE  
TOWNSHIP OF ALLAMUCHY,  
WARREN COUNTY,**

Respondent.

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**L.M.**, petitioner, pro se

**Caitlin W. Lundquist**, Esq., for respondent (Busch Law Group, LLC, attorneys)

Record Closed: April 1, 2019

Decided: May 15, 2019

BEFORE **SUSANA E. GUERRERO**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On or around November 14, 2018, L.M., parent of minor children J.M. and J.M., (petitioner) filed a Petition of Appeal with the Commissioner of Education seeking to remove certain grades from her minor child's average, and challenging the Allamuchy

Board of Education's (Board or respondent) Homework Policy. The Bureau of Controversies and Disputes transmitted the matter to the Office of Administrative Law as a contested case on December 5, 2018.

The Board filed a motion for summary decision, which was opposed by petitioner. After final submission on the motion was received, the record closed.

### **FACTUAL DISCUSSION**

Based on the submissions presented, including a Joint Stipulation of Facts, I rely on the following **FINDINGS of FACT** in deciding this motion:

L.M. is the mother of two students who attend the Allamuchy Township Schools. During the 2017–2018 school year, J.M. was a sixth-grade student and J.M.'s younger sibling, J.M., was a third-grade student. They are currently in seventh and fourth grade, respectively.

Towards the end of the 2017–2018 academic year, students in the Allamuchy School District, including rising seventh-graders and rising fourth-graders, were assigned summer homework in the areas of reading and mathematics to be completed during the summer of 2018.

Petitioner's rising fourth-grade student, J.M., did not complete any of the summer homework assignments during the summer of 2018, and no academic consequences were imposed as a result of his non-completion of these assignments.

For students in the District who were rising seventh-graders during the summer of 2018, the summer reading homework consisted of an assignment to read two books and to complete a writing assignment for each book. The students were permitted to read two books of their choice, provided that the books were of an age-appropriate reading level and had not been made into a movie.

Rising seventh-grade students, including J.M., were required to complete a writing assignment relating to one book during the summer of 2018. This writing assignment was due on the first day of school in September 2018 and was graded, with the grade factoring into each student's overall first marking period grade as a homework assignment. With respect to the second book, students were required to complete an in-school writing assignment on the first day of school in September 2018. This in-school writing assignment was graded, with the grade factoring into each student's overall first-marking-period grade as a homework assignment. Petitioner's seventh-grade child, J.M., completed the in-school writing assignment and received a grade of 100 percent. J.M. did not complete the writing assignment that was due on the first day of school in September 2018.

The summer mathematics homework for rising third- through eighth-grade students in the District consisted of a math practice assignment to be completed using an online computer program. Students were required to complete the math practice assignment to minimal mastery for their grade level, as indicated by a "SmartScore" of 70, for several types of math skills. J.M., petitioner's rising seventh-grader, did not complete the summer mathematics homework.

On June 21, 2018, petitioner sent an e-mail to Allamuchy superintendent of schools, Mr. Flynn, advising that her children "will not be participating in summer homework." This was the third e-mail petitioner had sent regarding the issue of summer homework that month.

As a consequence of J.M. not completing one of the two writing assignments over the summer and the mathematics summer homework, J.M. received a grade of "zero" for one homework-assignment grade in his seventh-grade literature class for the first marking period of the 2018–2019 school year, and a "zero" for one homework-assignment grade in his seventh-grade mathematics class for the marking period.

On October 17, 2018, petitioner sent an e-mail to a member of the Allamuchy Board of Education with a "Formal complaint," requesting a closed-session meeting before the Board at the suggestion of the executive county superintendent (ECS). In

her e-mail, petitioner indicates that she had contacted the ECS concerning the “ongoing issue” regarding petitioner’s decision to not have her children participate in summer work, “as it is summer and it is [her] decision to make, not the Board’s.” This issue, petitioner asserts, had now affected her “honor roll son who received zeros for the summer assignments, which has now brought his average down to Bs.” In her e-mail, petitioner also suggests that her children are being “punished” for something she decided to do, and which she believes is “well within [her] parental authority to do.”

At all times relevant, Board Policy 2330 titled “Homework” was in effect. This Policy does not expressly reference “summer homework.” The Board has maintained a long-standing practice of assigning and grading grade-appropriate summer homework.

On October 22, 2018, petitioner and her husband appeared before the Board, in closed executive session, for an informal hearing in response to the petitioner’s complaint regarding the District’s handling of the aforementioned homework assignments, and Policy 2330. Following the hearing, the Board issued a written decision and response to petitioner on October 30, 2018, addressing the statements petitioner had made during the hearing. In its letter to petitioner, the Board wrote, regarding Policy 2330, that “Homework is a means of reinforcing the learning experience of the school,” and having students perform academic work during the summer reinforces the prior year’s learning and helps students to prepare for the upcoming school year. Also, while the Policy does not expressly authorize “summer” homework, it also does not limit when and/or how homework can be assigned. The Board also explained that assigning students homework in the summer is not “punitive,” but a benefit to student learning, and a student’s failure to complete the work does not make the assignment punitive. Finally, the Board writes that there is no basis for petitioner’s assertion that the Board has exceeded its authority by continuing its long-standing practice and policy of having students complete homework over the summer. The Board is not aware of any limitations imposed by law or policy that would restrict the Board in its use of work assigned over the summer to support student learning.

Following the receipt of the Board’s written decision, petitioner sent a letter to the Board expressing her disagreement with the Board’s decision and informing the Board

that a complaint had been filed with the New Jersey Department of Education, Bureau of Controversies and Disputes. In her letter to the Board, petitioner first argues that the policy referenced by the Board does not apply to summer work and that the Board is acting beyond its authority in assigning work over the summer. Second, petitioner asserts that respondent acted punitively in giving her son zeros for not completing the assignments when she, as a parent acting within her right, instructed the child not to complete the assignments. The Board, she asserts, acted contrary to its policy when it gave her child a “zero” for not completing an assignment that the Board had no right to assign. Third, petitioner again challenges the Board’s authority to “dictate to our children what they can and can not do when school is not in session,” and asserts that simply because the District has a long-standing practice and policy of assigning summer homework, it does not mean that the Board has not exceeded its authority.

### **Respondent’s Motion for Summary Decision**

Respondent asserts that the Board is entitled to summary decision because there are no material facts in dispute and petitioner has failed to show any action by the Board that should be overturned as arbitrary, capricious, or unreasonable.

Local boards of education are vested with broad authority and discretion to develop and adopt educational policies and practices as they deem appropriate, based upon the unique needs and characteristics of the students, parents, and members of the community who are served by the district. Unless the decision made by the board of education clearly violates the law or was arbitrary, capricious, or unreasonable, the board’s discretionary actions are entitled to deference and a presumption of validity. Here, the Board properly determined to exercise its educational decision-making authority by adopting a general policy governing the ability to assign homework to students, which describes the pedagogical rationales for and purposes of homework, and does not prohibit or limit any teaching staff members from assigning homework in the areas of reading and mathematics over the summer. In compliance with Policy 2330, the Board has determined that assigning homework during the summer months is appropriate to serve the academic needs of the students in the District, reinforce their

learning during the summer breaks, and sufficiently prepare them to transition back into their regular educational programming each September.

There is nothing “punitive” about the Board’s policy and practice with regard to assigning summer homework. The Board did not act arbitrarily, capriciously, or unreasonably in upholding and adhering to its long-standing policy and practice of assigning summer homework to its students, and in grading the summer homework assignments for seventh-grade students.

N.J.S.A. 18A:11-1(d) provides that boards of education shall “[p]erform all acts and do all things, consistent with law and the rules of the state board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district.” When a local board acts within its legal authority, its actions carry a presumption of validity and will not be disturbed, absent an affirmative showing that its judgment was arbitrary, capricious, or unreasonable. Moreover, academic grading policies and systems that may be adopted and implemented by a board of education or the school district are merely required to be reasonable and non-discriminatory. Academic issues relating to students’ grades and how they are determined or calculated fall well within the board’s educational decision-making authority. Here, the Board’s general policy concerning homework, Policy 2330, does not preclude assigning academic work to students during the summer months, nor does it restrict or limit the District in assigning any type of homework deemed necessary, reasonable, and appropriate to adhere to the policy’s goals and purposes. The Policy itself, as well as the Board’s interpretation and application of the Policy, is entitled to a presumption of validity and should not be disturbed since neither the Policy nor its implementation by the Board with respect to J.M. and J.M. was arbitrary, capricious, or unreasonable.

Pursuant to New Jersey law, the Board is permitted to determine, as an exercise of its discretionary authority, that the educational needs of the students in the District are properly served by assigning summer reading and math homework, and grading that homework during the first marking period of the school year for seventh-graders. The Board’s actions in assigning and grading summer homework are based upon legitimate and reasonable educational-policy rationales and the academic needs of the



District's students, including: (1) the need for reinforcement of the material each student has learned during the prior school year; (2) the need for adequately preparing students to transition back into the regular educational program each September, following the extended summer break; and (3) the differences in academic standards, demands, and expectations for students entering seventh grade as opposed to those entering fourth grade.

### **Petitioner's Response to the Motion for Summary Decision**

Petitioner opposes the motion for summary decision by asserting that there are material facts in dispute.

Petitioner argues that Policy 2330 does not mention "summer" or "summer homework," and therefore does not apply to homework assigned outside the 180-day academic year. Policy 2330 mentions homework as it relates to a "marking period" or "school days," and therefore only applies to homework given during the school year. Petitioner asserts that the Board does not have authority over her children outside the 180-day school year, and the Board cannot unilaterally impose its authority when school is not in session. Simply because the Board claims that it has a long-standing practice of assigning summer work does not mean that it has not exceeded its authority.

Petitioner challenges statements made by superintendent Joseph Flynn in his certification, and specifically his statements regarding the Board's policy and practice of assigning summer work and the different academic demands and standards that apply to middle-school versus elementary-school students. Petitioner argues that there is no written policy to support what he asserts, including no written policy addressing the consequences of not completing summer homework by seventh-graders versus fourth-graders. She argues that her seventh-grader received zeros for partially completing summer homework, while her fourth-grade child suffered no consequence, and this inconsistency is arbitrary since Flynn's explanation for treating these students differently cannot be verified. Petitioner also claims that the Board is acting arbitrarily by not giving petitioner the option to opt out of summer homework assignments while parents of

children with individualized education program (IEPs) are able to opt out of an extended school year program.

Finally, petitioner asserts that neighboring districts do not have mandatory summer-homework policies, and that the Board has ignored evidence to support that summer homework does not carry the benefits that it claims. According to petitioner, the Board is choosing to punish J.M. for doing what petitioner instructed him to do, as she felt it was best for their family.

### **Respondent's Reply to Petitioner's Opposition**

In response to petitioner's opposition to the motion for summary decision, respondent points out that petitioner failed to cite any statute, regulation, or caselaw in support of her argument that the Board has no authority to require students to complete graded homework over the summer. Also, nothing in the Policy negates the Board's right to exercise its discretionary authority to determine that the educational needs of the District's students are properly served by assigning summer homework. Consistent with the Policy's statement that homework is intended to extend learning beyond the limited hours of school attendance, and support lessons learned in the curriculum, the Board's stated rationales for its practice of assigning summer homework include reinforcement of the prior year's learning and helping students to prepare for the upcoming school year. The Policy states that "homework is a means of reinforcing the learning experience of the school," and requires the assessment and evaluation of homework in order to "underscore the value of homework as an evaluation tool." The Policy does not limit such assessment and evaluation to homework completed during non-summer months.

Respondent stresses that a local board of education's authority is limited by its obligation to refrain from arbitrary, capricious, or unreasonable decision making, and that petitioner's efforts to show arbitrary, capricious, or unreasonable action by the Board are meritless and should be rejected.

Petitioner's disagreement with the District's approach to grading summer homework assignments of seventh vis-à-vis fourth-graders does not make it arbitrary, capricious, or unreasonable and does not warrant judicial intervention. Also, the absence of any formal or written Board policy or regulation specifying that students may be subject to different grading consequences for not completing homework does not constitute arbitrary, capricious, or unreasonable action by the Board. Fourth-graders and seventh-graders are not similarly situated with respect to their education, and implementing different academic standards for these students is not inappropriate. With respect to grading, respondent cites to several cases to support its position that it is the prerogative of a local board of education, which need not be formally codified in any written policy, that an academic grading system and its implementation is the prerogative of a local board of education. The Board is not required by law to enact a formal written policy describing its grading system or to explicitly authorize the assignment of summer homework.

In response to petitioner's claim that the District is arbitrarily picking and choosing who is required to complete summer work because some students with IEPs are not required to do summer work, respondent explains that the mere fact that an IEP team may determine that a student will not participate in a summer program that may be offered, or that a student with an IEP should have modified homework requirements, does not constitute an arbitrary, capricious, or unreasonable Board action.

Finally, respondent cites to J.L. & J.E.H. ex rel T.H.L. v. Hopewell Valley, EDU 2658-99, Initial Decision (September 2, 1999), aff'd, Comm'r (October 8, 1999), aff'd, State Bd. (February 2, 2000), <http://njlaw.rutgers.edu/collections/oal/>, to support its argument that a grade of "zero" for non-compliance of homework is purely an academic consequence and does not constitute discipline or punitive action.

### **Petitioner's Sur-reply**

Petitioner submitted a sur-reply which was considered over the Board's objection. In the sur-reply, petitioner repeats her position that there is no written policy governing summer homework, and that the Board lacks authority to "mandate what

children must do when school is not in session.” Petitioner states that the Board is engaging in unreasonable decision-making with its refusal to accept that its authority does not exist when school is not in session, and its refusal to accept the limitation on its authority, and that results in arbitrary, capricious, and unreasonable decision making.

## **LEGAL DISCUSSION AND CONCLUSIONS**

### **The Summary Decision Standard**

As the moving party, respondent Board carries the burden of proof to demonstrate, by a preponderance of the credible evidence, that summary decision should be entered in favor of respondent. Summary decision may be granted “if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b). To survive a summary decision motion, the opposing party must show that “there is a genuine issue which can only be determined in an evidentiary proceeding.” Ibid. Failure to do so entitles the moving party to summary judgment/decision. Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995).

The pivotal issues in this matter are whether the Board or its agents were authorized to assign and grade summer homework, and whether the grades given to J.M. when he did not complete two summer homework assignments should be removed.

In petitioner’s opposition to the Board’s motion for summary decision, she argues that there are material issues of fact in dispute. She asserts that these include, for example, statements allegedly made by the superintendent to petitioner in a June 2018 e-mail concerning homework and summer work, and whether Policy 2330 applies to summer homework. In carefully considering the issues of fact raised by petitioner, I am not convinced that any of the factual issues raised are material to the disposition of this matter and must be determined at an evidentiary proceeding. Based on my consideration of the facts as presented in the Joint Stipulation, and the parties’

submissions, I **CONCLUDE** that there is no genuine issue as to any material fact and the matter is ripe for summary decision.

### **Authority of the Board to Require Summer Homework**

Petitioner seeks to have certain zeros removed from her minor child's average because, she asserts, the Board does not have a written policy addressing summer homework and the Board lacks the authority to require her children to complete any assignments outside the 180-day school year.

To support her position, petitioner argues that Policy 2330, on "Homework," does not refer to "summer homework," and therefore does not apply to the assignment of summer work in the District. Petitioner is correct, and respondent does not dispute, that Policy 2330 does not expressly refer to "summer homework." However, it also does not preclude the assignment of summer work. In fact, there is no law in New Jersey that expressly precludes a board, or its agents, from assigning summer work.

The Board interprets Policy 2330 to support its practice/policy of assigning grade-appropriate reading and math homework over the summer. Policy 2330, as well as the Board's interpretation and application of the Policy to include summer homework, is entitled to a presumption of validity. Boards of education have wide policymaking discretion and their decisions may not be disturbed unless there is an affirmative showing that the decision was arbitrary, capricious, or unreasonable. Thomas v. Morris Bd. of Educ., 89 N.J. Super. 327, 332 (App. Div. 1965), Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). The management prerogative of boards of education cannot be usurped or assumed by the Commissioner of Education absent a definitive showing of bad faith or arbitrary actions taken in bad faith without a rational basis. G.M. v. Roselle Park Borough Bd. of Educ., 95 N.J.A.R. 2d (EDU) 107, 109 (citing Paddock v. Bd. of Educ. of Demarest, 1974 S.L.D. 435).

Even assuming *arguendo* that Policy 2330 does not apply to summer homework, the absence of a written policy explicitly addressing summer homework does not preclude the Board or its agents from maintaining a practice (or unwritten policy)

supporting the assignment of grade-appropriate summer work. This practice/policy should not be disturbed unless the policy or its implementation with respect to J.M. or J.M. is arbitrary, capricious, or unreasonable. Here, it is undisputed that the Board has maintained a long-standing practice supporting the assignment of summer homework in the District. The Board asserts that this practice/policy is a means of reinforcing the learning experience of the school and helps students to prepare for the upcoming school year. While petitioner may not agree with the Board's position, there is clearly a nexus between the assigning of grade-appropriate summer homework and the Board's stated purpose for assigning this work. While petitioner argues that the Board's authority does not extend beyond the school year, there is no legal authority that restricts its authority in this fashion. Rather, boards are restricted generally by their obligation to refrain from actions or decisions that are arbitrary, capricious, or unreasonable.

Petitioner fails to make a viable argument that the Board's practice or policy (even if unwritten) supporting the assignment of summer homework is in any way arbitrary, capricious, or unreasonable. Petitioner's argument that the Board violated its own policy by assigning summer homework is also entirely without merit. Simply because petitioner does not agree with the assigning of summer homework, and some neighboring districts may not require summer homework, does not make the Board's practice/policy arbitrary or unreasonable.

I **CONCLUDE**, therefore, that neither the Board nor its agents here have exceeded the scope of their legal authority by adopting and maintaining a practice/policy of assigning summer homework, nor has the Board violated any of its policies, or any law, by supporting the assignment of summer homework. I also **CONCLUDE** that the Board's general practice/policy supporting the assigning and grading of summer homework is not arbitrary, capricious, or unreasonable.

### **J.M.'s Grades**

The Board's written decision references its expectation that all students complete their assigned work in a timely manner, and that consequences result if a student fails

to complete the assigned work. There is no evidence, and petitioner does not assert, that her children were treated any differently from other similarly situated students. Petitioner's seventh-grader received zeros for not completing two summer assignments while her fourth-grader was not graded on his summer homework assignment. It is, however, a valid and reasonable exercise of the Board's authority to maintain different grading practices for middle- and elementary-school students. It is well settled that "[t]he grading system is the prerogative of local school boards and need not be formally codified, although it must be reasonable and nondiscriminating." M.M. v. Demers, et al., 92 N.J.A.R. 2d (EDU) 525, 526 (citing Dooner v. Bd. of Educ. of Toms River, 1976 S.L.D. 619; Tarlarsky v. Edison Twp. Bd. of Educ., 1977 S.L.D. 862). There is nothing in petitioner's moving papers or the record in general to suggest that the two zeros given to petitioner's older child for failing to complete the summer homework were in any way "punitive" or discriminatory. There is nothing in the record to suggest that the grades given to J.M. were anything other than a consequence of his failure to complete the work assigned to the students in his grade.

There is also no requirement that the Board maintain a formal or written policy addressing how these assignments are graded, and there is no indication that the grading practices for summer homework here constitute a violation of any rule, policy, law, or that they are in any way unreasonable or discriminatory.

Petitioner argues that the Board/administration is acting in an arbitrary manner because it did not give her the option of having her children opt out of summer homework without any consequences, while the parents of children with IEPs have the option not to participate in the extended-year program without consequence. Petitioner's strained comparison of the Board's handling of this matter with accommodation provided to students with special needs in the District is entirely misguided, meritless, and does not support her argument that the Board acted in an arbitrary, capricious, or unreasonable manner.

For the reasons set forth above, I **CONCLUDE** that petitioner has identified no basis upon which this tribunal could conclude that the Board acted in an arbitrary, capricious, or unreasonable manner with regard to the grading consequences imposed

upon J.M. and/or J.M. I also **CONCLUDE** that the grades of “zero” given to J.M. when he failed to complete the summer homework assignments did not reflect any arbitrary, discriminatory, or unreasonable action taken by the Board or its agents.

Even when considering all of the facts presented in the light most favorable to the petitioner, petitioner cannot demonstrate that the Board’s actions should be reversed as arbitrary, capricious, or unreasonable. The Board was acting within its legal authority when it adopted its practice/policy of supporting the assigning and grading of summer homework, and the Board’s assigning and grading of summer homework is based upon legitimate and reasonable educational-policy rationales. Absent any showing that the Board’s judgment was arbitrary, capricious, or unreasonable, the Board’s action is presumed to be valid and will not be disturbed. Nothing in the petition or petitioner’s opposition to the motion for summary decision can support overturning the Board’s action here as arbitrary, capricious, or unreasonable. Therefore, the Board’s action must stand. Based on the foregoing, I **CONCLUDE** that the respondent’s motion for summary decision should be **GRANTED**.

### **ORDER**

It is **ORDERED** that the motion for summary decision filed by the respondent, the Allamuchy Township Board of Education, is **GRANTED** for the reasons stated herein.

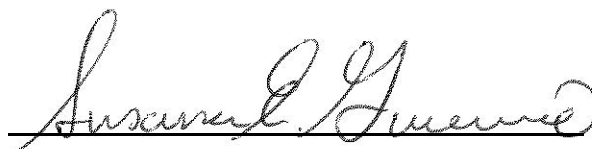
I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.



Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

May 15, 2019  
DATE

  
SUSANA E. GUERRERO, ALJ

Date Received at Agency:

May 16, 2019

Date Mailed to Parties:

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