

EDU # 6674-02  
C # 400-05  
EDU #10118-05  
C # 264-06  
SB # 36-06

T.F.S. AND C.S., :  
on behalf of minor child, J.R.S., :  
 :  
PETITIONERS-APPELLANTS, : STATE BOARD OF EDUCATION  
V. :  
 : DECISION ON MOTION  
BOARD OF EDUCATION OF THE :  
TOWNSHIP OF SOUTH BRUNSWICK, :  
MIDDLESEX COUNTY, AND DR. SAMUEL :  
STEWART, SUPERINTENDENT, :  
RESPONDENTS-RESPONDENTS. :

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Remanded by the Acting Commissioner of Education, November 2, 2005

Decided by the Acting Commissioner of Education, August 4, 2006

Decision on motion by the State Board of Education, January 3, 2007

For the Petitioners-Appellants, T.F.S. and C.S., pro se

For the Respondents-Respondents, Parker McCay, P.A. (John E. Collins,  
Esq., of Counsel)

In a decision issued on August 4, 2006, the Acting Commissioner of Education<sup>1</sup> dismissed the petition filed by T.F.S. and C.S., the appellants herein, who challenged the decision by the South Brunswick Board denying their request to provide transportation for their children. The appellants, who lived approximately one mile from school, claimed that the walking route to school was not safe.

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<sup>1</sup> We note that on October 16, 2006, Acting Commissioner Lucille E. Davy was confirmed as the Commissioner of Education.

On February 20, 2007, the appellants filed the instant motion for “alternative handling” of the record of the testimony from the hearing held in the Office of Administrative Law (“OAL”) in this matter. In their motion, the appellants seek an order from the State Board reducing the amount of the deposit they are being required to pay in OAL to obtain a transcript of the hearing. In the alternative, the appellants request a stipulation by counsel for the South Brunswick Board so as to provide the State Board with compact discs containing audio of the testimony from that hearing. Otherwise, the appellants request that the South Brunswick Board be required to share the cost of ordering transcripts. In the event that their motion is not granted, the appellants request that this matter be placed into abeyance until they can obtain transcripts of the hearing.

After a thorough review of the papers filed, we deny the appellants’ motion.

The preparation of a transcript of a hearing conducted in the Office of Administrative Law is regulated by the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1 et seq., which govern the procedural aspects of contested cases in administrative agencies. In order to be included in the record on appeal to the State Board, transcripts must comply with the requirements of N.J.A.C. 1:1-14.11 and “must be prepared in accordance with State standards established by the Administrative Director of the Courts,” N.J.A.C. 1:1-14.11(h). “Unless the requesting party is the State or a political subdivision thereof, the request [for a transcript] shall be accompanied by a reasonable security deposit not to exceed either the estimated cost of the transcript as determined by the preparer or \$300.00 for each day or fraction thereof of the proceeding....” N.J.A.C. 1:1-14.11(a). We do not have the authority to waive or modify the standards established by the Administrative Director of the Courts for the

preparation of hearing transcripts or to reduce the deposit required by the Office of Administrative Law for the preparation of transcripts or to require the South Brunswick Board to share the cost of transcripts ordered by the appellants. See N.J.A.C. 1:1-14.11(i) (“All applications to obtain a transcript of any proceeding at public expense for use on appeal shall be made to the Appellate Court pursuant to New Jersey Court Rule R. 2:5-3....”).

Furthermore, we reject the appellants’ request to allow compact discs containing audio of the testimony from the hearing to be included in the record. Nor would we compel counsel for the South Brunswick Board to stipulate to the admission of such compact discs. As we observed recently:

The regulations governing administrative proceedings are clear in providing that a copy of a sound recording of a hearing obtained from the Office of Administrative Law (“OAL”) is “unofficial.” N.J.A.C. 1:1-14.11(b). As the Commissioner noted in C.H., on behalf of minor child, J.H. v. Board of Education of the Princeton Regional School District, decided by the Commissioner of Education, August 11, 2004, slip op. at 4, n.1, “[a]n unofficial copy of the sound recording of OAL proceedings may not be substituted for the required transcript, and will not be considered if so submitted.”

In the Matter of the Tenure Hearing of Ralph McCullough, decided by the State Board of Education, October 4, 2006.

Accordingly, we deny the appellants’ motion.

Edithe Fulton abstained.

April 4, 2007

Date of mailing \_\_\_\_\_