

363-00

G.A., on behalf of minor child, B.A., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF RIDGEFIELD, BERGEN :
COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent sought to compel the Board to provide transportation to his son, B.A. The Board denied responsibility to transport B.A.

At the OAL, the parties stipulated that B.A., a seventh grade student, lives on a heavily traveled state highway with no pedestrian walkway or sidewalk and that for him to walk home he would have to walk with traffic which would be a violation of existing law. The ALJ concluded that, because B.A. lives more than two miles from the school as measured by a route other than State Highway 46, he is entitled to transportation from respondent Board.

The Commissioner affirmed the determination of the ALJ that B.A. is entitled to transportation from the Board *under the factual circumstances presented in this matter.*

November 9, 2000

OAL DKT. NO. EDU 3121-00
AGENCY DKT. NO. 51-2/00

G.A., on behalf of minor child, B.A., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF RIDGEFIELD, BERGEN :
COUNTY, :
RESPONDENT. :
_____ :

The record and Initial Decision issued by the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review of the record, the Commissioner agrees with and adopts as his own the determination of the Administrative Law Judge that petitioner's child, B.A., is, *under the factual circumstances presented herein*, entitled to transportation pursuant to the requirements of *N.J.S.A. 18A:39-1* for the reasons set forth in the Initial Decision.

Accordingly, respondent is directed to provide petitioner's child public transportation to and from Memorial High School pursuant to the provisions of *N.J.S.A. 18A:39-1 et seq.*¹

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: November 9, 2000

Date of Mailing: November 9, 2000

¹ The Commissioner notes that the provisions of *N.J.S.A. 18A:39-1 et seq.* that authorize parental reimbursement relate to pupils who attend *nonpublic* schools.

² 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.