

18-01

L.B., :
PETITIONER, :
V. :
: COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE :
RUMSON-FAIR HAVEN REGIONAL : DECISION
SCHOOL DISTRICT, MONMOUTH :
COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioning senior high school student appealed the Board's determination denying her eligibility for consideration for admission to the National Honor Society (NHS).

The ALJ found that the Board, since at least 1996-97, had articulated and enforced a policy for scholarship eligibility into the NHS which required that a student maintain at least a 3.5 Grade Point Average (GPA). The ALJ concluded that petitioner should have been aware of this policy. Moreover, the ALJ concluded that petitioner, who had a 3.49 GPA, failed to demonstrate by a preponderance of relevant credible evidence that the Board's determination not to round-off a GPA from anything below 3.5 for purposes of eligibility to membership in NHS was arbitrary, capricious and unreasonable. It is the Board's prerogative to establish a 3.5 GPA as the cut-off for invitation to apply to the local NHS chapter. Petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

January 16, 2001

OAL DKT. NO. EDU 8599-00
AGENCY DKT. NO. 406-11/00

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

Upon careful and independent review of the record in this matter, the Commissioner finds no cause to disturb the findings and conclusions of the Administrative Law Judge (ALJ). Accordingly, the Initial Decision is adopted for the reasons so well expressed by the ALJ; the within Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 16, 2001

Date of Mailing: January 16, 2001

* 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.

