

B.F., on behalf of minor child, O.N., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
MONMOUTH REGIONAL HIGH SCHOOL :
DISTRICT, MONMOUTH COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioning parent challenged the expulsion of daughter, O.N., from school for allegedly assaulting a teacher.

The ALJ found that petitioner failed to meet the burden of showing that the Board's action in expelling O.N. was arbitrary, without rational basis or induced by improper motives. The ALJ also found that the alternative education program offered by the District at the MAECOM Adult High School Program is a comprehensive program that meets all core curriculum content standards, as well as all State guidelines and is required to comply with statutory and regulatory requirements related to health and gym.

The Commissioner adopted the Initial Decision and dismissed the petition.

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.

June 28, 2004

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

Upon careful and independent review of the record in this matter, the Commissioner concurs that petitioner has failed to meet her burden of proving that the action of the Board expelling her daughter for striking a teacher was arbitrary, capricious, unreasonable or induced by improper motives. Moreover, the Commissioner finds that the alternative education program offered by the Board is consistent with the requirements set forth by the State Board in *P.H., supra*.

Accordingly, the Initial Decision is adopted for the reasons expressed therein and the within petition is dismissed.

IT IS SO ORDERED. *

COMMISSIONER OF EDUCATION

Date of Decision: June 28, 2004

Date of Mailing: June 29, 2004

* This decision 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.*