

25-05

OAL DKT. NO. EDU 9254-04 ([http://lawlibrary.rutgers.edu/oal/html/initial/edu09254-04\\_1.html](http://lawlibrary.rutgers.edu/oal/html/initial/edu09254-04_1.html))  
AGENCY DKT. NO. 290-8/04

E.M.C., III and P.A.C., on behalf of minor child,	:	
J.V.C.,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE BOROUGH	:	DECISION
OF RAMSEY, BERGEN COUNTY,	:	
	:	
RESPONDENT.	:	
	:	
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge that petitioners have failed to sustain their burden of establishing that the Board's use of a lottery system to limit the number of percussion instrument participants was arbitrary, capricious, unreasonable or violative of law or that there were improprieties in the conduct of such lottery.

Accordingly, the Initial Decision of the OAL is adopted for the reasons stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: January 13, 2005

Date of Mailing: January 14, 2005

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\* 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.*