#10-09 (OAL Decision: <a href="http://lawlibrary.rutgers.edu/oal/html/initial/edu08258-08\_1.html">http://lawlibrary.rutgers.edu/oal/html/initial/edu08258-08\_1.html</a>)

M.E.C., on behalf of minor children, C.C., K.C. :

and E.C.,

PETITIONER,

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION

TOWNSHIP OF LUMBERTON,

BURLINGTON COUNTY, :

RESPONDENT. :

## **SYNOPSIS**

Petitioner alleges that the respondent Board's policy that only members of the Parent Teacher Association (PTA) can serve as room parents and support holiday parties in the classroom violates the Equality in Education regulation, *N.J.A.C.* 6A:7-1-7, by failing to provide equal and bias-free access to all educational activities. The respondent Board filed a motion for summary decision.

The ALJ found, *inter alia*, that: summary decision is appropriate in this matter as there is no genuine issue of material fact challenged; petitioner has not been discriminated against due to her socioeconomic status pursuant to *N.J.A.C.* 6A:7-1-7; the Board's decision to give authority over the room parent program to the PTA was not arbitrary, capricious or in violation of any law or regulation. Accordingly, the ALJ granted the Board's motion for summary decision, and dismissed the petition.

Upon an independent review, the Commissioner concurred with the ALJ, and adopted the Initial Decision of the OAL as the final decision in this matter. The petition was dismissed.

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.

January 12, 2009

OAL DKT. NO. EDU 8258-08 AGENCY DKT. NO. 194-7/08

M.E.C., on behalf of minor children, C.C., K.C.

and E.C.,

PETITIONER,

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF : DECISION

LUMBERTON TOWNSHIP,

BURLINGTON COUNTY, :

RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions – dated January 5, 2009 and filed January 8, 2009, in response to an Initial Decision which was mailed to the parties on December 18, 2008 –

were untimely pursuant to N.J.A.C. 1:1-18.4. As such these are not considered herein.

Upon such review, the Commissioner concurs with the Administrative Law Judge – for the reasons clearly presented in her decision – that summary decision is appropriately granted to the Board.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: January 12, 2009

Date of Mailing: January 13, 2009

<sup>\*</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36.