

L.S., on behalf of minor child, E.S., et al., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF WESTFIELD,  
UNION COUNTY, :  
RESPONDENT. :

---

SYNOPSIS

This is a remand of a matter in which forty-seven parents challenged the Board’s revised attendance zone and transportation policies, contending that the adoption of the revised policies was arbitrary and capricious, and in violation of applicable law. The matter was remanded to adjudicate the issue of whether the procedures for adoption of the revised policies violated the Open Public Meetings Act, *N.J.S.A. 10:4-6 to 21* (OPMA). Additionally, on remand petitioners contend that respondent failed to comply with its own bylaws with respect to the adoption of attendance zone and transportation policies, as well as with the Commissioner’s final decision in the original proceeding, which ordered the Board to revise these policies to bring them into compliance with *N.J.S.A. 18A:39-1* and *N.J.A.C. 6A:27-1.2*.

The ALJ found, *inter alia*, that: respondent Board provided adequate notice of its meetings where consideration was given to Policy 8600 Transportation and Policy 8110 Attendance Zones; meetings were open to the public, with opportunity for public comment; accordingly, there was no violation of the OPMA; the Board did not comply with the adoption schedule outlined in its bylaws in the original adoption of policies 8600 and 8110, which were therefore invalidated; Policy 8600 Transportation was revised at the direction of the Commissioner’s December 2009 decision and properly adopted pursuant to the bylaws; however, Policy 8110 Attendance Zones – although reviewed as per the Commissioner’s previous decision – was never validly adopted by the Board. Accordingly, the ALJ ordered that respondent adopt a version of Policy 8110 in accordance with its bylaws and other applicable law within 60 days of the final decision in this matter.

Upon a full and independent review, the Commissioner adopted the recommended decision of the OAL for the reasons stated therein, directed the Board to adopt a version of its Policy 8110 pursuant to the ALJ’s order, 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.

November 1, 2010

OAL DKT. NO. EDU 1020-10  
(EDU 7387-09 ON REMAND)  
AGENCY DKT. NO. 101-5/09

L.S., on behalf of minor child, E.S., et al., :  
:  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF WESTFIELD,  
UNION COUNTY, :  
RESPONDENT. :

---

This matter was remanded to the Office of Administrative Law on January 4, 2010 – consistent with the Commissioner’s December 30, 2009 decision – for expansion of the record and the Administrative Law Judge’s (ALJ) recommendation as to one remaining issue, *i.e.*, whether petitioners have established their Open Public Meetings Act (OPMA) charge against respondents and, if so, the possible implication(s), if any, such a violation might have on the underlying case.<sup>1</sup> The record on remand and the resultant Initial Decision of the OAL have been reviewed. The parties did not file exceptions to the ALJ’s decision.

Upon due consideration, the Commissioner concurs with the findings and conclusions of the ALJ for the reasons clearly stated in his decision.

---

<sup>1</sup> On remand, petitioners submitted to the ALJ additional factual assertions contending that the Board failed to comply with its bylaws with respect to the February 2009 adoption of Policy 8600 Transportation and Policy 8110 Attendance Zones, and a charge that the Board had failed to comply with the Commissioner’s December 30, 2009 decision directive to revise these two policies.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter. The Board is directed to adopt a version of its Policy 8110 Attendance Zones in accordance with its bylaws and other applicable law within 60-days of the date of this decision. The instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 1, 2010

Date of Mailing: November 1, 2010

---

<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).