

EDU #3499-98
C # 423-99
SB # 2-00

E.A., SR. AND D.A., on behalf of minor child, E.A., JR., :
 :
PETITIONERS-APPELLANTS, : STATE BOARD OF EDUCATION
 :
V. : DECISION
 :
STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF JERSEY CITY, HUDSON COUNTY, MARIE MORRISSEY AND RICHARD DiPATRI, :
RESPONDENTS-RESPONDENTS. :

Decided by the Commissioner of Education, December 23, 1999

For the Petitioners-Appellants, Lynch & Lynch (Edmund E. Lynch, Esq., of Counsel)

For the Respondents-Respondents, Charlotte Kitler, Esq.

The decision of the Commissioner of Education is affirmed for the reasons expressed therein. In so doing, however, we reiterate the Administrative Law Judge's admonition that:

Although not constituting a due process violation, it would have been more appropriate, as well as sensitive, for [the school's principal] to have discussed the matter with EA, Jr., as well as his parents, prior to implementing the transfer, even if such resulted in several days' delay in reaching a decision.

Initial Decision, slip op. at 59-60.

We deny as unnecessary for a fair determination of this matter the appellants' motion to supplement the record.

April 5, 2000

Date of mailing _____