

J.D.K. AMD G.E.K., on behalf of minor	:	
child, J.D.K., JR., AND M.S.D. AND R.D.M.D.,	:	
on behalf of minor children, G.D. AND B.D.,	:	
	:	COMMISSIONER OF EDUCATION
PETITIONERS,	:	
	:	DECISION
V.	:	
	:	
BOARD OF EDUCATION OF THE CITY OF	:	
ESTELL MANOR, ATLANTIC COUNTY,	:	
	:	
RESPONDENT.	:	

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SYNOPSIS

Petitioning parents challenged the determination of the Board to cease providing their children transportation to the private schools they attend because the schools are located more than 20 miles from petitioners' residences. Petitioners agreed that the schools were more than 20 miles from their residences.

The ALJ concluded that, because the law is clear that transportation is to be provided only if a private school is located within 20 miles of a student's residence, the Board's determination to cease providing transportation was correct. The ALJ rejected petitioners' equitable arguments, which were based on the fact that transportation was provided in the past and that reasonable notice was not provided, because of the unambiguous statutory basis for the Board's determination.

The Commissioner adopted the decision of the ALJ for the reasons expressed therein and dismissed the Petitions of Appeal.

OAL DKT. NOS. EDU 00673-00 AND EDU 00674-00 (CONSOLIDATED)  
AGENCY DOCKET NOS. 4-1/00 AND 5-1/00

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The record of this consolidated matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record, the Commissioner determines to adopt the Initial Decision for the reasons expressed therein. Accordingly, the within Petitions of Appeal are hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 18, 2000

Date of Mailing: August 25, 2000

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\* This decision, as the Commissioner's final determination, 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.