

C.R., on behalf of minor child, M.R., :
 PETITIONER, :
 V. : COMMISSIONER OF EDUCATION
 BOARD OF EDUCATION OF THE GREATER : DECISION
 EGG HARBOR REGIONAL HIGH SCHOOL :
 DISTRICT, ATLANTIC COUNTY, :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioning parent challenged the educational program to be provided to her son in the 2002-2003 school year; specifically, she challenged the Board’s determination to place her son, M.R., in an alternative school for two semesters beginning in September 2002 and his expulsion from Absegami High School.

The ALJ found that in light of M.R.’s attendance, academics, propensity to leave class and refusal to follow rules, the Board proved that he needed a more structured environment than was provided at the high school. The ALJ concluded that petitioner failed to prove by a preponderance of credible evidence that the Board’s action in transferring M.R. to the alternative program was arbitrary, capricious and unreasonable. The ALJ concluded that it was a reasonable exercise of the Board’s discretion to do so and in M.R.’s best interest.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

September 16, 2002

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.

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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.

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge's determination that petitioner has failed to establish that the Board's action transferring her son, M.R., to its alternative education program was arbitrary, capricious or unreasonable and, therefore, such action must be upheld.

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

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 16, 2002

Date of Mailing: September 16, 2002

* 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.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.