

J.G., ON BEHALF OF A.S., :  
 PETITIONER, :  
 V. : COMMISSIONER OF EDUCATION  
 BOARD OF EDUCATION OF THE : DECISION  
 TOWNSHIP OF WEST DEPTFORD, :  
 GLOUCESTER COUNTY, :  
 RESPONDENT. :  
 \_\_\_\_\_ :

SYNOPSIS

Petitioning grandmother challenged the Board’s refusal to reinstate A.S. into the regular education program at West Deptford High School following a disciplinary suspension. The matter was consolidated with special education dispute – the Board claimed J.G. would not consent to have A.S. evaluated. The Board sought dismissal of the petition because J.G. lacked standing; custody of A.S. had been transferred to his father, C.S. Moreover, the Board alleged the appeals were filed untimely.

The ALJ granted summary decision to the Board and ordered the consolidated matter dismissed. The ALJ determined that when A.S. refused to cooperate on the special education evaluation, the Board acted expeditiously for the benefit of the larger student population. The ALJ found that petitioner lacked standing since the appeal was made seven months after the child was expelled and J.G. no longer had custody at that time. In addition, seven months was well beyond the 90-day limitations period for filing.

The Commissioner, even assuming *arguendo* that petitioner had standing to bring the appeal, concurred with the ALJ that the petition was untimely filed. The matter 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.

May 20, 2003

OAL DKT. NOS. EDU 8370-02 AND EDS 8369-02 (CONSOLIDATED)  
AGENCY DKT. NOS. 379-11/02 AND 2003 7144

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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, and assuming, *arguendo*, petitioner had standing to bring the within appeal, the Commissioner concurs with the Administrative Law Judge that, to the extent petitioner seeks relief pursuant to *N.J.S.A.* 18:6-9, the Petition of Appeal was untimely filed. *N.J.A.C.* 6A:3-1.3(d). The Commissioner additionally finds there is nothing in this matter to warrant relaxation of the 90-day filing requirement. Accordingly, the matter is dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2003

Date of Mailing: May 21, 2003

\* This decision 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.*