

S.J., :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE :  
 BOROUGH OF MOUNTAIN LAKES, : DECISION  
 MORRIS COUNTY, AND JOHN :  
 KAZMARK, SUPERINTENDENT, :  
 :  
 RESPONDENTS. :  
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SYNOPSIS

Petitioning parent challenged the Honors Physics grading policy for the 2001-02 school year, claiming the flawed policy would result in the wrong persons being selected as Valedictorian and Salutatorian. In June 2003, the Commissioner denied emergent relief in this matter and the matter was transmitted to the Office of Administrative Law for hearing.

The Board moved to dismiss this matter on three grounds: 1) petitioner did not have standing; 2) petitioner's claims were moot; and 3) the petition was untimely filed. The ALJ concluded that the petition must be dismissed for said reasons.

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

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.

OAL DKT. NO. EDU 7081-03  
AGENCY DKT. NO. 159-5/03

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions and the Board's reply thereto are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.

Upon careful and independent review of the record of this matter, the Commissioner concurs that the Board's Motion for Summary Decision is properly granted for the reasons set forth in the Initial Decision. The Commissioner additionally finds that there is nothing in this matter which justifies relaxation of the filing requirement set forth at *N.J.A.C.* 6A:3-1.3(d).

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: November 17, 2003

Date of Mailing: November 17, 2003

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\* 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.*