

ANDREA M. BONETTE :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF EAST AMWELL, HUNTERDON COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner alleged that the Board violated *N.J.S.A.* 18A:42-4 when it included an article promoting the passage of the District’s budget in the monthly newsletter given to students to take home. Petitioner sought an order for the Board to cease and desist distributing literature that promotes any public question to students.

The ALJ found, *inter alia*, that: 1) there are no genuine issues of material fact; 2) the newsletter in question did contain language that violated *N.J.S.A.* 18A:42-4; and 3) there is a lack of proof in the record to satisfy the requirement for the issuance of a cease and desist order. The ALJ concluded that respondent Board’s motion for summary decision should be granted, and that petitioner’s request for a cease and desist order should be denied, and the petition dismissed.

The Commissioner adopts the findings and determination in the Initial Decision, emphasizing that the petitioner has failed to demonstrate the likelihood that the Board will violate statute and/or policy through the distribution of election materials to students. Therefore, no justification for issuance of a cease and desist order exists. Summary judgment is granted to the Board, and the petition is dismissed.

<p>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.</p>

ANDREA M. BONETTE :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF EAST AMWELL, HUNTERDON COUNTY, :
RESPONDENT. :
_____ :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon a careful and independent review of the record in this matter, the Commissioner concurs with the grant of the Board’s motion for summary decision in that there are no material facts in dispute and the Board is entitled to prevail as a matter of law. See *N.J.A.C. 1:1-12.5(b)* and *Contini, supra*. In so determining, the Commissioner finds that petitioner has failed to demonstrate any likelihood that the Board will violate statute and/or policy through the distribution of election materials to students so as to justify the issuance of a cease and desist order.

Accordingly, the Initial Decision of the Administrative Law Judge, which grants the Board’s motion for summary decision, denies petitioner’s request for a cease and desist order and dismisses the within petition, is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 18, 2005

Date of Mailing: May 18, 2005

* 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.*