

#264-06

OAL DKT. NO. EDU 10118-05 (http://lawlibrary.rutgers.edu/oal/html/initial/edu10118-05_1.html)
AGENCY DKT. NO. 266-8/02

MR. AND MRS. T.F.S., on behalf of minor child, :
J.R.S., :

PETITIONERS, :

V. :

COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF :
SOUTH BRUNSWICK TOWNSHIP, :
MIDDLESEX COUNTY, :
DR. SAMUEL STEWART, SUPERINTENDENT :
OF SCHOOLS AND DEBRA JOHNSON, :
MAYOR, :

DECISION

RESPONDENTS. :

_____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Exceptions of both parties, filed in accordance with *N.J.A.C* 1:1-18.4, were fully considered by the Commissioner in reaching her determination herein.¹

Petitioners' extensive exceptions criticize numerous aspects of the ALJ's factual presentation alternatively charging, *inter alia*, that such presentation misrepresents the proceedings and testimony at the OAL;² is deliberately ambiguous; attempts to mislead the Commissioner; and attempts to disparage the petitioners. They further charge that the ALJ

¹ The Board's exceptions seek solely to clarify that J.R.S. attends Crossroads North Middle School rather than Crossroads South which her older sister, C.M.S., attended. It maintains that, although the walking route to the two schools is the same, Crossroads North is closer to the family's home.

² In this regard, a description of testimony of certain individuals which, petitioners aver, was adduced at hearing is presented along with the implications and/or conclusions which they maintain should be deduced from such testimony.

engaged in outrageous judicial behavior and exhibited a prejudicial attitude towards them, and they urge the Commissioner to reject his decision.

Upon a full and independent review of the record³, the Commissioner, finding petitioners' exceptions without merit, agrees with the ALJ, for the reasons comprehensively presented in his Initial Decision, that petitioners have failed to sustain their burden of establishing, by a preponderance of the credible evidence, that the Board's determination to discontinue its practice of providing bus transportation for students in the housing developments at issue here who resided less than a mile from their respective schools - requiring these students to walk to school via a route designed to insure their safe passage - was arbitrary, capricious or unreasonable or an abuse of its discretion.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.⁴

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 4, 2006

Date of Mailing: August 4, 2006

³ It is noted that the record did not contain transcripts of the hearing conducted at the OAL.

⁴ 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.*