

L.A., ON BEHALF OF MINOR CHILDREN, :
T.J.A. AND P.M.A., :
 : COMMISSIONER OF EDUCATION
 PETITIONER, :
 : DECISION
 V. :
 :
 BOARD OF EDUCATION OF THE CITY OF :
 PORT REPUBLIC, ATLANTIC COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner contested respondent's action limiting her presence in her children's elementary school. Petitioner had previously entered into an agreement with respondent in which she agreed that she would enter the school by appointment only. Petitioner additionally complained about the behavior of the school secretary toward her son. During hearings in this matter, petitioner terminated the services of her lawyer on the record, and went forward *pro se*.

The ALJ found, *inter alia*, that: petitioner has a long history of antagonism with respondent Board, administrators, teachers, and other parents; petitioner has engaged in a protracted course of conduct wherein she has continuously breached the Board's regulations, and demonstrated that she will not abide by the ordinary rules of civil conduct; respondent Board was not arbitrary or capricious in imposing restrictions upon petitioner's access to and conduct within the school, and acted in a wholly appropriate manner to regulate the petitioner. The ALJ affirmed the respondent's actions restricting petitioner's access to the school, and noted that the Board should periodically review the restrictions imposed upon petitioner in the interest of fundamental fairness and due process.

Upon an independent and thorough review of the record, including transcripts of all six days of hearing, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter.

<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>

February 22, 2007

OAL DKT. NO. EDU 4308-05
AGENCY DKT. NO. 111-5/05

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

Upon review, the Commissioner finds the credibility and fact determinations of the Administrative Law Judge (ALJ) to be fully supported by the record, which, it is noted, includes transcripts of all six days of hearing.¹ *N.J.S.A. 52:14B-10(c)*. The Commissioner further concurs with the ALJ's conclusion that the limitations imposed upon petitioner by the Board of Education (Board) were both necessary and appropriate under the circumstances, as well as with his suggestion that the Board periodically review these limitations in the interest of fairness and due process.

Accordingly, the Initial Decision of the OAL, dismissing the Petition of Appeal and affirming the action of the Board, is adopted for the reasons expressed therein.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: February 22, 2007

Date of Mailing: February 22, 2007

¹Although the procedural recitation in the Initial Decision (at 2) lists five days of hearing, an additional hearing took place on May 17, 2006. It was at this hearing – not on March 30, 2006, as indicated by the ALJ – that petitioner terminated the services of her attorney. (Transcript of May 17, 2006 Hearing at 20-25)

²This 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.*