

F.P., on behalf of minor child, K.P., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
HOPEWELL VALLEY REGIONAL :
SCHOOL DISTRICT, MERCER COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner sought relocation of his daughter's school bus stop, asserting that: the location selected by the respondent Board is unsafe and requires K.P. to walk between petitioner's house and the bus stop; and that the respondent's decision not to send buses into petitioner's cul-de-sac is arbitrary and capricious and should be set aside.

The ALJ found that: the current bus stop is safe; petitioner's proposed bus stop is less safe than the current stop; the walk from petitioner's house to the bus stop is safe; and no incidents involving this bus stop have occurred since it became a stop 15 years ago. The ALJ concluded that the petitioner has not met his burden of proving that the designated bus stop is not safe and that the Board's action to deny petitioner's request to change the bus stop was arbitrary and capricious.

Upon a full and independent review, the Commissioner concurred with the Administrative Law Judge – for the reasons clearly presented in her decision – that petitioner failed to sustain his burden of establishing that the Board's actions were arbitrary, capricious or unreasonable. Accordingly, the Commissioner dismissed the petition.

<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>

October 17, 2007

OAL DKT. NO. EDU 2818-06
AGENCY DKT. NO. 143-4/06

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions to the Initial Decision – which was mailed to the parties on September 10, 2007 – were dated October 10, 2007 and filed October 15, 2007, and, therefore, untimely pursuant to *N.J.A.C. 1:1-18.4*,¹ and as such, were not considered herein.

Upon full review and consideration of the record, the Deputy Commissioner, to whom this matter has been delegated pursuant to *N.J.S.A. 18A:4-33*, concurs with the Administrative Law Judge – for the reasons clearly articulated in her decision – that petitioner has failed to sustain his burden of establishing that the Board's denial of his request to change the designated school bus stop location for his child, K.P., was arbitrary, capricious or unreasonable; therefore, the Board's determination in this regard must be sustained.

¹ *N.J.A.C. 1:1-18.4* (a) specifies: "Within 13 days from the date the judge's initial decision was mailed to the parties, any party may file written exceptions with the agency head."

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.²

DEPUTY COMMISSIONER

Date of Decision: October 17, 2007

Date of Mailing: October 17, 2007

² 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.*