

T.B.-M., on behalf of minor child, M.M., :

PETITIONER, :

V. :

BOARD OF EDUCATION OF THE  
TOWNSHIP OF MOORESTOWN, :  
BURLINGTON COUNTY, :

RESPONDENT. :

**AND** :

COMMISSIONER OF EDUCATION

R.Y. and E.Y., on behalf of minor child, T.Y., :

DECISION

PETITIONERS, :

V. :

BOARD OF EDUCATION OF THE  
TOWNSHIP OF MOORESTOWN, :  
BURLINGTON COUNTY, :

RESPONDENT. :

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SYNOPSIS

Petitioners in these two consolidated cases assert that their sons’ punishment – which included a two-day in-school suspension, and removal from an Honors class at respondent’s high school, for plagiarism and possession of unauthorized downloads – is arbitrary and capricious. Respondent Board contends that more than 20 students were found to have been involved in plagiarism and possession of unauthorized downloads from the School internet site and the punishments for such behavior set forth in the student handbook are not arbitrary and capricious.

The ALJ found that: a specific policy and punishment for plagiarism was established and enumerated by the Board in the school handbook; non-enforcement of the Board’s disciplinary policies would set a dangerous precedent; both students, M.M. and T.Y., have admitted to cheating; the punishment they received was lighter than that outlined in the handbook, reflecting the fact that both students came forth to admit they cheated; and the actions of the Board were not arbitrary, capricious or unreasonable. The ALJ ordered that the petition be dismissed.

Upon full and independent review and consideration, the Commissioner concurred with the ALJ that petitioners have failed to sustain their burden of establishing that the Board’s actions were arbitrary, capricious, unreasonable, or an abuse of the Board’s discretion. Accordingly, the Initial Decision is adopted as the final decision in this matter.

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.

April 7, 2008

OAL DKT. NOS. EDU 2780-07 AND EDU 2782-07  
 AGENCY DKT. NOS. 124-5/07 AND 120-4/07  
**(CONSOLIDATED)**

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	:	
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_____	:	

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

Petitioners’ exceptions, in pertinent part, recast and reiterate their arguments advanced below. They additionally endeavor to disagree with and/or complete the Administrative Law Judge’s

(ALJ) recitation of certain facts<sup>1</sup> and/or legal conclusions in this case and object to his failure to consider certain aspects of this matter which they find to be important.

Although agreeing with the ALJ's ultimate conclusion in this matter, the Board renews its argument advanced below that *all* of the issues herein are moot and, therefore, disagrees with the ALJ's finding to the contrary on Page 7 of his decision.

Upon her full and independent review and finding the parties' exceptions unpersuasive, the Commissioner concurs with the ALJ that petitioners have failed to sustain their burden of establishing that the Board's meted punishment to their sons for their admitted acts of plagiarism is arbitrary, capricious, unreasonable, or an abuse of the Board's discretion.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons comprehensively presented therein and these consolidated petitions of appeal are hereby dismissed.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: April 7, 2008

Date of Mailing: April 8, 2008

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<sup>1</sup> It is noted that the ALJ's recitation on Page 5 of his decision implies that *only* T.Y. voluntarily took the Computer Assisted Drafting I (CAD I) course during the summer. The instant record confirms that *both* T.Y. and M.M. took CAD I during the summer on a pass-fail basis, and both are continuing to maintain that a letter grade should be given for this course.

<sup>2</sup> 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.*