

#52-10 (OAL Decision: Not yet available online)

H.H. and E.H. on behalf of minor child P.H.,:

PETITIONERS, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF WALL,
MONMOUTH COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioners filed a petition of appeal on May 19, 2009, challenging a failing grade awarded to their daughter by her freshman English teacher during the 2007-2008 school year. Respondent Board contended that the petition was not timely filed and should be dismissed pursuant to *N.J.A.C. 6A:3-1.3(i)*. Respondent filed a motion for summary decision.

The ALJ found, *inter alia*, that: there are no genuine issues of material fact in dispute, and the matter is ripe for summary decision; petitioners received notice of the Board's determination not to change their daughter's failing grade on July 23, 2008, but did not perfect their appeal until May 19, 2009; and petitioners' appeal was filed well past the regulatory timeline set forth in *N.J.A.C. 6A:3-1.3(i)*. Accordingly, the ALJ concluded that the petition should be dismissed.

Upon careful and independent review of the record and the ALJ's recommended decision, the Commissioner adopted the Initial Decision of the OAL as the final decision in this case. The petition was 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>

February 22, 2010

OAL DKT. NO. EDU 7602-09
AGENCY DKT. NO. 87-4/09

H.H. and E.H. on behalf of minor child P.H.,:

PETITIONERS, :

V. :

COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE :
TOWNSHIP OF WALL, :
MONMOUTH COUNTY, :

DECISION

RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed.¹ Upon consideration of same, the Commissioner adopts the Initial Decision as the final decision in this case.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 22, 2010

Date of Mailing: February 23, 2010

¹ No exceptions were filed.

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36, N.J.S.A. 18A:6-9.1*.