

M.G., on behalf of minor child, A.G., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY : DECISION
OF ELIZABETH, UNION COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner – the mother of A.G. – contested the transfer of her son back to his neighborhood school from a lottery school in respondent’s district. The school district based the transfer on A.G.’s record of excessive tardiness, and contended that the transfer was proper, in accordance with school policy and procedures, and was not arbitrary and capricious.

The ALJ found, *inter alia*, that: A.G. was accepted into the lottery school, and was in third grade when the Board rendered its decision to transfer him to his neighborhood school because he had been tardy twenty-two times; the lottery school handbook states that tardiness in excess of seventeen incidents will result in a transfer; petitioner acknowledged receipt of the school handbook, but contended that she never received any notice that her son had exceeded or was about to exceed the maximum number of allowable incidents of tardiness; petitioner received four report cards, each of which indicated the number of times A.G. was tardy during the marking period; petitioner admitted that she was on notice of the absentee/tardiness regulations and was aware that excessive tardiness could result in a transfer back to the home school; and petitioner’s explanation for the unexcused tardy dates is uncorroborated and/or incredible. The ALJ affirmed the Board’s decision to transfer A.G. back to his neighborhood school.

Upon a full and independent review, the Commissioner found that the Board’s decision to transfer A.G. from School #26 to School #23 was not arbitrary, capricious or unreasonable. Accordingly, the Initial Decision of the OAL was 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.

OAL DKT. NO. EDU 14827-13
AGENCY DKT. NO. 219-9/13

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner finds that the Elizabeth Board of Education's decision to transfer A.G. from School #26 to School #23 was not arbitrary, capricious or unreasonable. Accordingly, the recommended decision of the Administrative Law Judge is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 19, 2014

Date of Mailing: November 19, 2014

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