

P.S., on behalf of minor child, B.S., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
CITY OF ATLANTIC CITY, ATLANTIC :  
COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioning parent appealed minor child's expulsion.

The ALJ dismissed the petition as untimely filed. The Commissioner concurred with the ALJ that the within matter was untimely filed, pursuant to *N.J.A.C.* 6:24-1.2(c). The Commissioner further agreed with the ALJ that even assuming, *arguendo*, the petition was timely filed, petitioner failed to satisfy her burden of proving that the Board's decision to expel B.S. was arbitrary, capricious, unreasonable, or otherwise taken in bad faith. The petition was dismissed.

AUGUST 4, 1999

OAL DKT. NO. EDU 10886-98  
AGENCY DKT. NO. 371-8/98

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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.

Upon review, the Commissioner concurs, for the reasons set forth in the initial decision, that the within matter was untimely filed, pursuant to *N.J.A.C.* 6:24-1.2(c). However, even assuming, *arguendo*, that the petition was timely filed, the Commissioner agrees with the Administrative Law Judge (ALJ) that petitioner has failed to satisfy her burden of proving that the Board's decision to expel B.S. was arbitrary, capricious, unreasonable, or otherwise taken in bad faith.

Accordingly, the initial decision is affirmed and the Petition of Appeal is hereby dismissed.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

AUGUST 4, 1999

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\* This decision, as the Commissioner's final determination in the instant matter, 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.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.