

J.O., :  
 PETITIONER, :  
 V. : COMMISSIONER OF EDUCATION  
 BOARD OF EDUCATION OF THE : DECISION  
 STERLING HIGH SCHOOL DISTRICT,  
 CAMDEN COUNTY, :  
 RESPONDENT. :  
 \_\_\_\_\_:

SYNOPSIS

Petitioning high school student contended the Board acted arbitrarily, capriciously and unreasonably when it suspended him for the remainder of the 1997-98 school year with conditions for readmission in September 1998 or thereafter for planning and/or arranging a retaliatory assault and battery on student J.C. Petitioner contended that the Board did not hold a proper hearing within 21 days of his suspension, imposed penalties on him greater than those imposed on others for similar violations and treated him differently based on race. Board moved for dismissal alleging the petition was untimely filed and petition was moot because petitioner withdrew as a student and enrolled in a private school. ALJ noted petition was not moot, as the suspension remained a part of petitioner’s permanent school records.

ALJ concluded petitioner’s claims were time-barred by *N.J.A.C. 6:24-1.2(c)*. Moreover, the ALJ determined that assault on another student is a very serious matter calling for expulsion and that nothing in the evidence offered by petitioner supported an inference that the Board acted unreasonably in finding petitioner responsible for the attack on J.C. or in disciplining him for his actions. Petition was dismissed.

Commissioner adopted findings and determination in initial decision as his own.

March 23, 1999

OAL DKT. NO. EDU 2794-98  
AGENCY DKT. NO. 66-3/98

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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 careful and independent review, the Commissioner determines to affirm the findings and conclusions of the ALJ. Accordingly, the initial decision is adopted for the reasons expressed therein. The within Petition of Appeal is dismissed.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

March 23, 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.