

K.W., on behalf of minor child, CC., :
 PETITIONER, :
 V. : COMMISSIONER OF EDUCATION
 BOARD OF EDUCATION OF THE LOWER : DECISION
 CAMDEN COUNTY REGIONAL HIGH :
 SCHOOL DISTRICT NO. 1, CAMDEN :
 COUNTY, :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioning parent challenged the Board’s decision to expel her son, C.C., for telephoning a bomb threat to the high school.

The ALJ found that the Board had adopted and communicated its “zero tolerance” policy, which provides for the expulsion of any pupil who committed the act of a bomb threat. Petitioner admitted that C.C. telephoned the threat to get out of class and that it caused disruption to the educational process of the students, endangered the safety and welfare of the students staff, and cost considerable expense. Moreover, C.C. was afforded a due process hearing prior to the expulsion. Noting that the record demonstrated the Board’s policy was communicated to all students in the school, the ALJ concluded that petitioner failed to carry her burden of proving by a preponderance of credible evidence that the Board’s actions were arbitrary, capricious or unreasonable concerning the expulsion of C.C. The ALJ also concluded that C.C.’s enrollment in a school in Ohio, to the extent that his reinstatement was at issue, rendered that issue moot. Petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own with modification. The Commissioner did not agree that C.C.’s enrollment in school in Ohio rendered the matter moot since, presumably, the reason for attending school elsewhere was his expulsion.

March 20, 2000

OAL DKT. NO. EDU 6129-99
AGENCY DKT. NO. 139-6/99

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

Upon careful and independent review of the record in this matter, the Commissioner concurs with the ALJ that petitioner has failed to establish that the Board's decision to expel C.C. was arbitrary and capricious, or otherwise contrary to law. In so concluding, however, the Commissioner does not agree that C.C's enrollment in school in Ohio necessarily renders this matter moot, since, presumably, his reason for attending school elsewhere is his expulsion from the Board's District, and C.C. remains unable to return to the District's high school, as his mother wishes.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed

therein, as modified above. The Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 20, 2000

* This decision, as the Commissioner's final determination, 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.