

#302-11 (OAL Decision: Not yet available online)

D.R., on behalf of minor child, S.R., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
ANTHONY SCHAIBLE AND BOARD OF : DECISION
EDUCATION OF THE MONMOUTH :
REGIONAL HIGH SCHOOL DISTRICT, :
MONMOUTH COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner sought a determination that her minor child, S.R. was not appropriately identified as an eighth grade student for placement as a freshman into the respondents' Advanced Placement Academy (Academy) at Monmouth Regional High School. Petitioner asserted that respondents did not use the required multiple measures as outlined in *N.J.A.C. 6A:8-3.1* when determining S.R.'s eligibility for admittance into the Academy, but rather relied solely on the result of an outdated standardized test score. Petitioner seeks to enroll S.R. in the Academy as a junior for the 2011-2012 school year.

The ALJ found, *inter alia*, that: boards of education are granted discretionary authority under Title 18A of the New Jersey Statutes to adopt policies and rules for the management of public schools; appropriate deference must be given to professionals in a school district when assessing the appropriate placement of a student; in the instant matter, the district created a standard for admission to the Academy – specifically that a student must score a combined total of 500 in language and math on a standardized test given during the spring of the seventh grade year; S.R. failed to meet this criteria, and was therefore not admitted to the Academy; petitioner has not proven that the Board acted in an arbitrary, capricious or unreasonable manner in determining that S.R. was not qualified for placement in the Academy; and the Board did not violate *N.J.A.C. 6A:8-3.1*, as the District does have a gifted and talented program in place which is separate and apart from the optional Academy program. Accordingly, the ALJ denied petitioner's application for relief, and dismissed the petition.

Upon consideration and review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter. Accordingly, the petition was dismissed.

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.

July 28, 2011

OAL DKT. NO. EDU 7006-10
AGENCY DKT. NO. 121-6/10

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 PETITIONER, :
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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 to the Initial Decision.

Upon full review and consideration, the Commissioner concurs with the Administrative Law Judge that petitioner has failed to establish either that the Board acted in an arbitrary, capricious or unreasonable manner or in violation of *N.J.A.C. 6A:8-3.1* when it determined that S.R. was not qualified for placement in its Advanced Placement Academy.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter – for the reasons clearly presented therein – and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 28, 2011

Date of Mailing: July 29, 2011

* 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)*.