

T.B.R., on behalf of minor children, T.R. AND	:	
N.R.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP	:	DECISION
OF KINGWOOD, HUNTERDON COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioning father challenged the Board’s denial of his request to permit alternate week bus transportation for his children due to joint physical and legal custody of the children with their mother, who resides in the same District.

The ALJ determined that the Board acted within its scope of discretion and acted reasonably in rejecting the request for dual bussing to both residences. The Board has a reasonable policy assigning one seat on one bus route to each student. Moreover, the ALJ found no circumstances to dictate that the Board must deviate from this policy.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

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 8382-02
AGENCY DKT. NO. 321-10/02

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge's (ALJ) finding that the Board's decision to provide only one bus stop for petitioner's children, who share time between their divorced parents residing in separate residences within the same District, was not arbitrary or unreasonable and was within the Board's discretionary authority.

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

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 5, 2003

Date of Mailing: June 5, 2003

* This decision 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. 6A:4-1.1 et seq.*