

E.A. AND D.G., on behalf of minor child, N.G., :
 PETITIONERS, :
 V. : COMMISSIONER OF EDUCATION
 BOARD OF EDUCATION OF THE TOWN- : DECISION
 SHIP OF HAMILTON, MERCER COUNTY, :
 :
 RESPONDENT. :
 :

SYNOPSIS

Petitioning parents of N.G., a 16 year-old student who was expelled for possession of a knife on school property, previously sought emergent relief requiring the respondent Board, *inter alia*, to conduct a Child Study Team evaluation and provide home instruction pending the outcome of the evaluation. The ALJ granted emergent relief; the Commissioner affirmed.

Upon receipt of the Child Study Team evaluation from respondent Board revealing that N.G. did not have an educational or learning disability and that her behavior leading to her expulsion was not a manifestation of an educational or learning disability, the ALJ dismissed the matter since there were no remaining issues to be resolved and petitioners advised the OAL by telephone that they sought no further relief.

The Commissioner agreed with and adopted as his own the recommendation of the ALJ.

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The record and initial decision issued by the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review of the record and initial decision, the Commissioner agrees with and adopts as his own the recommendation of the Administrative Law Judge (ALJ) to dismiss the matter for the reasons set forth in the initial decision which indicate, *inter alia*, that N.G. was evaluated by the Child Study Team, which determined that N.G. was not educationally disabled and that the behavior leading to N.G.'s expulsion was not a manifestation of an educational disability. In so determining, the Commissioner notes that petitioners informed the ALJ via telephone on April 20, 1999 that they did not seek further relief in the matter, although no written confirmation to that effect was filed as part of the record; moreover, as noted above, petitioners did not file any exceptions to the initial decision. Accordingly, the matter is dismissed.¹

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

June 24, 1999

¹ 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.