

#196-11 (OAL Decision: Not yet available online)

STEVEN E. TOMLIN , JR., AND	:	
DIANE HOGAN,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
LOWER CAPE MAY REGIONAL	:	
SCHOOL DISTRICT, CAPE MAY	:	
COUNTY,	:	
	:	
RESPONDENT.	:	

SYNOPSIS

Petitioners challenged the respondent Board’s determination that he had not satisfied requirements for graduation, and therefore could not march in the processional or otherwise participate in high school graduation ceremonies in June 2009. The Board had based its determination on the fact that Steven had received a failing final grade in eleventh grade English. Subsequently, Steven completed and passed all of his courses at the Cape May County Technical School District’s Adult High School and otherwise satisfied the requirements for graduation and receipt of a diploma set forth in *N.J.A.C. 6A:8-5.1* and *N.J.A.C. 6A:8-5.2(a)* and (b)1.

The ALJ found, *inter alia*, that: there are no material facts at issue here, and the matter is ripe for summary judgment; the petitioner Steven Tomlin has now completed and passed all of his courses at the Cape May County Technical School District’s Adult High School, and has received a high school diploma; petitioner had the option of returning to Lower Cape May County High School and completing requirements to earn a diploma from that school, but decided to remain at the Adult High School to complete his coursework and has now graduated. Accordingly, the ALJ concluded that the matter is now moot, and dismissed the petition.

Upon full consideration, the Commissioner concurred with the ALJ for the reasons comprehensively detailed in the Initial Decision, and dismissed the petition as moot.

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.

May 23, 2011

OAL DKT. NO. EDU 4952-09
AGENCY DKT. NO. 118-6/09

STEVEN E. TOMLIN , JR., AND :
DIANE HOGAN, :
 :
 PETITIONERS, :
 :
 V. :
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 BOARD OF EDUCATION OF THE :
 LOWER CAPE MAY REGIONAL :
 SCHOOL DISTRICT, CAPE MAY :
 COUNTY, :
 :
 RESPONDENT. :

COMMISSIONER OF EDUCATION

DECISION

Upon review of the record, the Initial Decision and exceptions submitted by D.H.,¹ the Commissioner concurs that the claims set forth in the petition are moot. Accordingly the petition is dismissed.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 23, 2011
Date of Mailing: May 23, 2011

¹ Diane Hogan is Steven Tomlin's mother. While it is undisputed that Steven has now reached the age of 18, his mother was allowed to assist him in the prosecution of the petition.

² 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*)