

276-18

BOARD OF EDUCATION OF THE :
TOWNSHIP OF WEST AMWELL, :
HUNTERDON COUNTY, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

NEW JERSEY DEPARTMENT OF : DECISION
EDUCATION, OFFICE OF FISCAL :
ACCOUNTABILITY AND COMPLIANCE, :

RESPONDENT. :

SYNOPSIS

Petitioner, the Board of Education of the West Amwell School District (District), challenged the findings of the New Jersey Department of Education, Office of Fiscal Accountability and Compliance (Department) that the District had failed to comply with procedural time lines for reporting an alleged incident of harassment, intimidation or bullying (HIB) stemming from an allegation made by a parent in January 2012. The matter was transmitted to the Office of Administrative Law (OAL) as a contested case in June 2013.

The ALJ found that: in April 2014, the Department moved to dismiss the within petition based on the issuance of a November 2013 letter to the District advising that OFAC had vacated the HIB report in question, and that the matter was moot; the petitioning Board thereafter agreed that the matter was resolved and it did not oppose dismissal of the appeal; the matter remained open, however, until it was assigned to the ALJ in August 2018. Finding no controversy remaining, the ALJ issued the within Initial Decision dismissing the petition.

Upon review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter, 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.
--

September 18, 2018

OAL DKT. NO. EDU 7862-13
AGENCY DKT. NO. 89-4/13

BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF WEST AMWELL,	:	
HUNTERDON COUNTY,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY DEPARTMENT OF	:	DECISION
EDUCATION, OFFICE OF FISCAL	:	
ACCOUNTABILITY AND COMPLIANCE,	:	
	:	
RESPONDENT.	:	

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 the review of the record, the Commissioner is in accord with the ALJ's conclusion – for the reasons set forth in the Initial Decision – that the issues raised by the petitioner are moot. Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is hereby dismissed as moot.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: September 18, 2018

Date of Mailing: September 18, 2018

¹ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION -DISMISSAL

OAL DKT. NO. EDU 7862-13

AGENCY DKT. NO. 89-4/13

**BOARD OF EDUCATION OF THE
TOWNSHIP OF WEST AMWELL,
HUNTERDON COUNTY,**

Petitioner,

v.

**NEW JERSEY STATE DEPARTMENT
OF EDUCATION, OFFICE OF FISCAL
ACCOUNTABILITY AND COMPLIANCE,**

Respondent.

John B. Comegno, II, Esq., for petitioner (Comegno Law Group, attorneys)

Beth N. Shore, Deputy Attorney General, for respondent (Gurbir S. Grewal, Attorney
General of New Jersey, attorney)

Record Closed: April 30, 2014

Decided: August 22, 2018

BEFORE **JEFF S. MASIN**, ALJ (Ret., on recall):

The Board of Education of the West Amwell School District, Hunterdon County, filed a Petition of Appeal with the Commissioner of Education challenging a decision of the Office of Fiscal Accountability and Compliance (OFAC), which on November 9, 2012, had issued a

report determining that the District had failed to comply with procedural time lines for reporting an alleged incident of harassment, intimidation or bullying (“HIB”). The matter stemmed from an allegation made by a parent, L.E., on behalf of her child, C.E., on January 9, 2012. The Commissioner transferred the matter to the Office of Administrative Law as a contested case on June 4, 2013.

On April 11, 2014, the respondent moved to dismiss the Petition of Appeal, based on the issuance of a letter to the District, dated November 6, 2013, advising that OFAC had vacated the report and that, as a result, the controversy was moot. On April 30, 2014, Board counsel wrote a letter advising that the Notice to Vacate the report effectively resolved the matter. As such, the Board agreed that the matter was resolved and it did not oppose dismissal of the appeal. The open case was reassigned to this judge, serving on recall, on August 13, 2018, and it was discovered that while both parties were in agreement that the matter should end, no formal document had been issued to effectuate that result. Thus, this initial decision.

I **CONCLUDE** that the contested case is moot. **IT IS HEREBY ORDERED** that the Petition of Appeal and the contested case are **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



August 22, 2018
DATE

JEFF S. MASIN, ALJ (Ret., on recall)

Date Received at Agency:

August 22, 2018

Date Mailed to Parties:

August 22, 2018

mph