

New Jersey Commissioner of Education
Final Decision

D.W., on behalf of minor child, Y.T.,

Petitioner,

v.

Board of Education of the City of Millville,
Cumberland County,

Respondent.

Synopsis

In June 2019, *pro se* petitioner filed an appeal for due process on behalf of her foster child, Y.T., in which she sought an order directing the respondent Board to allow Y.T. to participate in her eighth-grade promotion ceremony. The emergent matter was heard on June 19, 2019, and emergent relief was granted. The file was retained by the OAL for additional proceedings as needed.

Following a conference call in October 2019, the ALJ found that no issues remain open in this matter, as the final emergent decision had resolved the controversy. The ALJ further concluded that the petition should be dismissed, and the file returned to the transmitting agency.

Upon review, the Commissioner concurred with the ALJ's findings and conclusion. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this case, and 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.

February 20, 2020

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge's determination – for the reasons stated in the Initial Decision – that no issues remain in dispute and that the petition of appeal should be dismissed. Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: February 20, 2020
Date of Mailing: February 20, 2020

¹ 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).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 08236-19

AGENCY DKT. NO. 138-6/19

D.W., ON BEHALF OF MINOR CHILD, Y.T.,

Petitioners,

v.

BOARD OF EDUCATION OF THE CITY OF MILLVILLE,

CUMBERLAND COUNTY,

Respondent.

D.W., petitioner, pro se

Matthew J. Robinson, Esq., for respondent (Robinson and Robinson, attorneys)

Record Closed: January 10, 2020

Decided: January 27, 2020

BEFORE **ELIA A. PELIOS**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

D.W. (petitioner) filed a petition for due process on behalf of her foster child, Y.T., a minor, seeking an order directing the Millville Board of Education (respondent) to allow Y.T. to participate in her eighth-grade promotion ceremony.

On June 17, 2019, petitioner's petition of appeal was filed with the Office of Controversies and Disputes of the New Jersey Department of Education, along with a request for emergent relief. On June 18, 2019, the emergent matter was filed along with the due process request with the Office of Administrative Law (OAL). The emergent relief request was scheduled for oral argument, which was held on June 19, 2019. Petitioner's emergent relief request was **GRANTED**. An order on emergent relief was issued and **ADOPTED** by the Commissioner of Education. The file was retained at the OAL for determination of what if any proceedings the parties and the undersigned felt were necessary to bring the matter regarding the underlying petition to closure.

A conference call was held on October 15, 2019. At that time the parties agreed that no issues remained open or before this tribunal, and that the emergent hearing held on June 19, 2019 and the ensuing initial and final emergent decisions had resolved all issues. It was further agreed that the matter should be returned to the transmitting agency.

Counsel for respondent provided a confirming letter to that effect later that same date, and no further communication or objection has been received.

The preceding statements are not in dispute and are hereby **FOUND** as **FACT**.

Considering the foregoing, I **FIND** that no issues remain open in the current matter and **CONCLUDE** that the petition in this matter should be **DISMISSED** and the file returned to the transmitting agency.

ORDER

I hereby **ORDER** that the petition in this matter be **DISMISSED** and that the file be returned to the transmitting agency.

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.



January 27, 2020

DATE

ELIA A. PELIOS, ALJ

Date Received at Agency:

January 27, 2020 (emailed)

Date Mailed to Parties:

/mel

APPENDIX

WITNESSES

For Petitioner:

None

For Respondent:

None

EXHIBITS

For Petitioner:

None

For Respondent:

None

For Court:

C-1 Confirming Letter from Respondent's Counsel