

298-22
OAL Dkt. No. EDU 02641-22
Agency Dkt. No. 45-3/22

New Jersey Commissioner of Education
Decision

P.P. and J.P., on behalf of minor child, P.P.,

Petitioners,

v.

Board of Education of the Township of Randolph,
Morris County,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The petitioners did not appear for the scheduled Zoom hearing in this matter despite having received appropriate notice, and did not call the OAL to explain why they were unable appear.

Upon review, the Commissioner agrees with the Administrative Law Judge's determination that petitioners have abandoned their appeal and that dismissal is therefore appropriate. Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter for the reasons expressed therein, and the petition is hereby dismissed.

IT IS SO ORDERED.¹


ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 31, 2022
Date of Mailing: November 2, 2022

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 02641-22

AGENCY DKT. NO. 45-3/22

P.P. AND J.P. ON BEHALF MINOR

CHILD P.P.,

Petitioners,

v.

TOWNSHIP OF RANDOLPH BOARD

OF EDUCATION, MORRIS COUNTY

Respondent.

P.P. and J.P., petitioners, pro se

Marc H. Zitomer, Esq., for respondent (Schenck, Price, Smith & King, attorneys)

Record Closed: October 5, 2022

Decided: October 12, 2022

BEFORE **SUSANA E. GUERRERO**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioners challenge the determination made by the Township of Randolph Board of Education (the Board) that P.P.'s actions constituted a violation of the Harassment Intimidation and Bullying (HIB) law.

This matter was transmitted to the Office of Administrative Law (OAL), where it was filed on April 5, 2022. An initial prehearing telephone conference was held on May 5, 2022, during which another conference was scheduled for June 10, 2022. At the June 10, 2022 conference, hearing dates were discussed and the hearing was scheduled for October 4, 2022, via Zoom. The undersigned issued a Prehearing Order on June 15, 2022, which indicated the date for hearing, along with a notice. Although the Board attorney, and Board representative, appeared for the Zoom hearing, petitioners did not appear and did not call the OAL to explain why they were unable to do so.

Accordingly, I **CONCLUDE** that petitioners have abandoned their petition and that dismissal is therefore appropriate.

ORDER

It is hereby **ORDERED** that this appeal be **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.

October 12, 2022
DATE


SUSANA E. GUERRERO, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

jb