

224-23

OAL Dkt. No. EDU 03426-23

Agency Dkt. No. 110-4/23

New Jersey Commissioner of Education

Order on Emergent Relief

D.P., on behalf of minor child, D.V.P.,

Petitioner,

v.

Board of Education of the Borough of
North Arlington, Bergen County,

Respondent.

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

Upon review, the Commissioner concurs with the Administrative Law Judge that this matter should be dismissed because the parties have agreed that no issues remain to be addressed following the resolution of petitioner's motion for emergent relief.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹



ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 1, 2023

Date of Mailing: August 1, 2023

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

OAL DKT. NO. EDU 03426-23

AGENCY DKT. NO. 110-4/23

D.P. ON BEHALF OF MINOR CHILD, D.V.P.,

Petitioner,

v.

**BOARD OF EDUCATION OF THE BOROUGH
OF NORTH ARLINGTON, BERGEN COUNTY**

Respondent.

Stephen J. Edelstein, Esq., for petitioner (Weiner Law Group, LLP, attorneys)

Eric Harrison, Esq., for respondent (Methfessel & Werbel, PC, attorneys)

Record Closed: June 30, 2023

Decided: July 5, 2023

BEFORE **WILLIAM J. COURTNEY, ALJ**:

STATEMENT OF THE CASE

Petitioner, D.P., sought emergent temporary relief on behalf of her son D.V.P. compelling respondent to take all steps necessary to protect D.V.P. from harassment, intimidation, and bullying ("HIB") including removing four of his classmates from all

classes that D.V.P. attends for the remainder of the school year. Petitioner alleges that respondent violated The Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-1 et seq., and Board Policy #5512 titled, "Harassment, Intimidation and Bullying" by failing to open an HIB Investigation or taking any other actions to protect D.V.P. from ongoing harassment, intimidation, and bullying. Petitioner claimed that there is a reasonable likelihood that D.V.P. would suffer immediate and irreparable harm if the requested Emergent Relief was not granted.

PROCEDURAL HISTORY

Petitioner filed a Verified Petition of Appeal on April 25, 2023 seeking Emergent Relief to protect her minor child, who is an eight-grade student within the North Arlington School District ("District") from ongoing harassment, intimidation, and bullying. On April 28, 2023, respondent filed a Verified Answer along with opposition to the Motion for Emergent Relief and a Cross-Motion to Dismiss petitioner's appeal, without prejudice. The request for Emergent Relief and Motion to Dismiss was transmitted to the Office of Administrative Law by the New Jersey Department of Education for consideration. The parties' written submissions were considered followed by oral argument of counsel beginning on May 1, 2023 and continuing, at the request of counsel, on May 8, 2023. The record was closed on May 8, 2023 after the oral arguments were presented. On May 23, 2023 an Order was entered denying petitioner's claim for Emergent Relief and the parties have agreed that no other issues remain now that petitioner's request for emergent relief has been resolved.

LEGAL ANALYSIS

The only issues before this tribunal in this matter were petitioner's Motion for Emergent Relief and respondent's Cross Motions relating to it. I **FIND**, and the parties agree, that the May 23, 2023 Order Denying Petitioner's Motion and respondents Cross-Motions (See Exhibit A) resolve all issues and I **CONCLUDE** that this matter should be dismissed.

ORDER

IT IS on this **5th** day of July, 2023 **ORDERED** that this matter be **DISMISSED**.

July 5, 2023



DATE

WILLIAM COURTNEY, ALJ

Date Received at Agency

July 5, 2023

Date Mailed to Parties:

July 5, 2023

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APPENDIX

EXHIBITS:

For Petitioners:

P-1 Verified Petition of Appeal

For Respondent:

R-1 Verified Answer, Opposition to Motion for Emergent Relief and Cross-Motion to Dismiss