

225-23

OAL Dkt. No. 05047-23

Agency Dkt. No. 156-6/23

New Jersey Commissioner of Education

Final Decision

H.G., on behalf of E.G.,

Petitioner,

v.

Board of Education of the Borough of
Tenafly, 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, following the resolution of petitioner's motion for emergent relief, this matter is moot.

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


ANGELINA ALLEN McMILLAN, J.D.S.
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

DISMISSAL

OAL DKT. NO. EDU 05047-23

AGENCY DKT.NO. 156-6/23

H.G. ON BEHALF OF E.G.,

Petitioner,

v.

BOROUGH OF TENAFLY BOARD OF EDUCATION,

Respondent.

H.G., petitioner appearing pro se

Stephen Fogerty, Esq. for respondent (Fogarty and Hara, attorneys)

Record Closed: June 23, 2023

Decided: June 27, 2023

BEFORE **KIMBERLY A. MOSS**, ALJ:

Petitioner, H.G. on behalf of minor child E.G., brings this action seeking E.G., be allowed to walk at the graduation ceremony although she does not have enough credits to receive a diploma.

On June 6, 2023, the Office of Special Education Programs transmitted the matter to the Office of Administrative Law (OAL) for emergent relief. A telephone conference was held on June 14, 2023. Oral arguments were held on June 19, 2023. On June 20, 2023 I issued an Order denying the emergent relief, which was upheld by the Commissioner on the same date.

The graduation that E.G. requested to participate in has now passed. In July 2023 petitioners will be returning to Israel. I **CONCLUDE** that this matter is moot and no longer a contested case before the OAL. Accordingly, this matter is hereby **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.

June 27, 2023



DATE

KIMBERLY A. MOSS, ALJ

Date Received at Agency:

June 27, 2023

Date Mailed to Parties:

June 27, 2023