

New Jersey Commissioner of Education
Final Decision

M.P, on behalf of R.P.,

Petitioner,

v.

Board of Education of Ramapo Indian Hills Regional
High School District, Bergen County,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered.¹

Upon review, the Commissioner concurs with the ALJ that petitioner, R.P.'s father, has standing for the purposes of this motion. The Commissioner further concurs with the ALJ that the petition is untimely under *N.J.A.C. 6A:3-1.3(d)*, and that petitioner has failed to present a compelling reason or exceptional circumstances warranting relaxation of the ninety-day rule.

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.²


COMMISSIONER OF EDUCATION

Date of Decision: September 8, 2025

Date of Mailing: September 8, 2025

¹ Petitioner's exceptions, filed on August 21, 2025, were untimely and, therefore, not considered.

² 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 01556-25

AGENCY DKT. NO. 390-12/25

M.P. O/B/O R.P.

Petitioner,

v.

RAMAPO-INDIAN HILLS REGIONAL

HIGH SCHOOL DISTRICT,

BERGEN COUNTY

Respondent.

M.P., appearing pro se

Rachel Fairley Esq., for respondent (Porzio, Brombeg & Newman, attorneys)

Record Closed: June 4, 2025

Decided: June 16, 2025

BEFORE **NANCI G. STOKES**, ALJ:

STATEMENT OF THE CASE

On December 7, 2024, the petitioner challenged the respondent's failure to correct his son's ninth-grade education transcript following a meeting in June 2024

when his son was in the eleventh grade. Is the claim time-barred? Yes. Under N.J.A.C. 6A:3-1.3(d), a petitioner must challenge the respondent's actions "no later than the 90th day from the date of receipt of the notice of a final order, ruling, or other action" by the district or its board.

PROCEDURAL HISTORY

On December 7, 2024, the petitioner filed a Petition with the Commissioner of the Department of Education (the Commissioner or DOE) on behalf of his minor son, seeking to correct his ninth-grade transcript to reflect his completion of that grade and to adjust his overall grade point average to 3.73. Furthermore, the petitioner requests that the Department of Education note that his son is in eleventh grade, not twelfth grade. Additionally, the petitioner believes the Ramapo-Indian Hills Regional High School (District) should move his son up in English coursework. He asserts these issues were part of a discussion with the District in June 2024.

In response to the petition, the District filed a Motion to Dismiss in place of an Answer on January 14, 2025, arguing that M.P. lacks standing or authorization to file the claim on behalf of R.P., who was eighteen years old at the time, and that M.P. filed the petition out of time.

The DOE received the petition on December 11, 2024, but opted not to address the respondent's motion to dismiss and transmitted this case to the OAL.

On January 17, 2025, the OAL filed the contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -13, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On January 21, 2025, this tribunal requested that the petitioner submit his opposition to the motion by February 10, 2025, which he supplied on February 7, 2025. The parties attempted to resolve their disputes, but the attempt was unsuccessful, and the respondent renewed its motion to dismiss on April 16, 2025. Over the respondent's objection, this tribunal allowed the petitioner to supplement his opposition, including an

extension of time at his request. On May 13, 2025, the petitioner supplied his supplemental opposition.

On June 4, 2025, the District replied, and I closed the record. Although the petitioner supplied further opposition on June 8, 2025, I did not accept his submission as it was out of time and addressed actions outside of the petition.

FINDINGS OF FACT

Based on the petition and its supporting documents, I **FIND** the following as **FACT** for purposes of this motion only and viewed with all reasonable inferences:

R.P. is a student currently enrolled in the District. M.P. is the parent of R.P. Undeniably, all claims noted in the petition against the District pertain to R.P.'s education.

When M.P. filed his application with the DOE, R.P. was eighteen years old, and M.P. had no legal guardianship over his son. Further, M.P. had no authorization from his son to file this action. Still, M.P. obtained a notarized authorization from R.P. to maintain this action against the District on his behalf after he filed the petition. The authorization will remain in effect until June 30, 2026.

R.P. first enrolled in the District for the ninth grade in the 2021-22 school year. The 2024-25 school year represents R.P.'s fourth year in the District.

Despite his enrollment for the 2021-22 school year, R.P. did not attend any of his classes. M.P. maintains that R.P. had medical issues preventing his attendance at school. In December 2021, M.P. filed a petition with the DOE, which the DOE then transmitted to the OAL as a contested case. Petitioner supplies no decision or order from that case but noted that no other pending cases exist between the parties.

However, the District provided home instructions to R.P. until R.P.'s medical issues resolved.

R.P. returned to in-person instruction for the 2023-24 school year and obtained "A" grades. M.P. states that R.P. had to take state-mandated testing for the wrong grades, given the District's failure to correct R.P.'s ninth-grade transcript to reflect completed courses. R.P. will attend the 2025-26 school year as a senior and graduate high school in 2026.

During a meeting in June 2024, M.P. raised concerns regarding R.P.'s transcript, testing levels, and R.P.'s interest in taking specific English courses. Yet, the District did not make the requested changes or accommodations. Furthermore, the petitioner also had notice of R.P.'s assigned classes and the District's continued designation of R.P. as an eleventh-grader. Yet, M.P. nor his son made any formal complaint or filing against the District until December 7, 2024. Although the petitioner does not specify the date of the June meeting, if the meeting occurred on the last day of June, then I **FIND** that M.P. filed his petition far more than ninety days after that meeting and the District's failure to make the requested changes.

Although this tribunal allowed the petitioner to respond twice to the motion, he only addressed his standing to pursue this matter. M.P. does not explain or provide any excuse for his untimely filing or circumstances that precluded the prompt filing of the petition. Instead, he only reiterates that he is entitled to the relief sought.

DISCUSSION AND CONCLUSIONS OF LAW

A motion to dismiss filed in lieu of an answer under the administrative rule governing education cases, N.J.A.C. 6A:3-1.5(g), is the functional equivalent of seeking dismissal for the failure to state a claim under the New Jersey Superior Court Rule, R. 4:6-2(e). Graves v. State Operated Sch. Dist. of Newark & Cami Anderson, 2017 N.J. Super. Unpub. LEXIS 2417. In ruling on a motion to dismiss,

The judge considers whether all the evidence together with all legitimate inferences therefrom could sustain a judgment in favor of the party opposing the motion. The judge is not concerned with weight, worth, nature, or extent of the evidence. The judge must accept all the evidence supporting the party defending against the motion and accord that party the benefit of all inferences that can reasonably and legitimately be deduced therefrom. If reasonable minds could differ, the motion must be denied.

[37 New Jersey Practice, Administrative Law and Practice § 5.19, at 259-60 (Steven Lefelt, Anthony Miragliotta & Patricia Prunty) (2d ed. 2000)];

See also, Graves, 2017 N.J. Super. Unpub. LEXIS 2417, at 7 (concluding that a court must determine the adequacy of the pleading and decide whether a cause of action is "suggested" by the facts when reviewing Rule 4:6-2(e) motions) (internal citations omitted).

Further, N.J.A.C. 6A:3-10, provides that, "at any time prior to transmittal of the pleadings to the OAL, in the Commissioner's discretion or upon motion to dismiss filed in lieu of answer, the Commissioner may dismiss the petition on the grounds that the petitioner has advanced no cause of action even if the petitioner's factual allegations are accepted as true or for lack of jurisdiction, failure to prosecute, or other good reason." In other words, this regulation provides even more expansive grounds for dismissing petitions.

A tribunal should grant the motion "if even a generous reading of the allegations does not reveal a legal basis for recovery." Edwards v. Prudential Prop. & Cas. Co., 357 N.J. Super. 196, 202 (App. Div. 2003).

Standing

A party must have standing to be able and entitled "to maintain an action before the court." In re Baby T., 160 N.J. 332, 340 (N.J.,1999). Standing is "a threshold

justiciability determination whether the litigant is entitled to initiate and maintain an action before a court or other tribunal." In re Six Month Extension of N.J.A.C. 5:91-1 et seq., 372 N.J. Super 61, 85 (App. Div. 2004).

New Jersey Courts set a relatively low threshold for standing that is more expansive than in the federal courts. In re Six Month Extension of N.J.A.C. 5:91-1 et seq., 372 N.J. Super. at 85. Standing is even more liberal within the State's administrative system. 37 New Jersey Practice, Administrative Law and Practice § 7.4 (Steven Lefelt, Anthony Miragliotta & Patricia Prunty) (rev. 2d ed. 2000); see Osborne v. Twp. of Lakewood Bd. of Educ., EDU 6348-02, Initial Decision (May 16, 2003), modified, Comm'r. (August 26, 2003), <http://njlaw.rutgers.edu/collections/oal> (finding petitioner demonstrated a sufficient stake in the outcome of the proceedings to confer standing to pursue his claims).

Notably, the petitioner was present at the June 2024 meeting with the District, and his son was not eighteen when his ninth-grade attendance became an issue. Further, R.P. authorized his father to act on his behalf in this case against the District in a notarized statement. Thus, any concerns that M.P.'s interests differ from those of his son are alleviated.

Therefore, I **CONCLUDE** that the petitioner, R.P.'s father, has standing in this case and for purposes of this motion.

Timeliness

Under N.J.A.C. 6A:3-1.3(d), a party must file an appeal with the Commissioner of Education "no later than the 90th day from the date of receipt of the notice of a final order, ruling, or other action by the district board of education, individual party, or agency, that is the subject of the requested contested case hearing." This rule "provides a measure of repose, an essential element in the proper and efficient administration of the school laws," giving school districts the "security of knowing" that an aggrieved party

cannot challenge its actions after ninety days. Kaprow v. Bd. of Educ. of Berkeley Twp., 131 N.J. 572, 582 (1993).

Courts strictly construe and consistently apply the ninety-day limitation period. Kaprow, 131 N.J. at 588-89; Nissman v. Bd. of Educ., 272 N.J. Super 373, 380-81, (App. Div. 1994); Riely v. Bd. of Educ., 173 N.J. Super. 109, 112-14, (App. Div. 1980). This period begins to run when the petitioner "learn[s] from the Local Board the existence of that state of facts that would enable him to file a timely claim." Kaprow, 131 N.J. at 588-89. Indeed, the "notice of a final order, ruling or other action" is "sufficient to inform an individual of some fact that he or she has a right to know and that the communicating party has a duty to communicate." Id. at 587. Notably, a petitioner does not need to receive official and formal notification that they may have a valid claim to initiate the ninety days. Id. at 588.

To determine when the ninety days begin to accrue, a tribunal employs the discovery rule, which is "essentially a rule of equity." Lopez v. Swyer, 62 N.J. 267, 273 (1973). This rule provides that a cause of action will not accrue "until the injured party discovers, or by an exercise of reasonable diligence and intelligence should have discovered that [they] may have a basis for an actionable claim." Id. at 272. Indeed, the inquiry is "whether the facts presented would alert a reasonable person exercising ordinary diligence that [they were] injured due to the fault of another." Martinez v. Cooper Hosp.- Univ. Med. Ctr., 163 N.J. 45, 51 (2000).

Even accepting M.P.'s position that the District failed to correct R.P.'s ninth-grade transcript, revise his GPA, provide correct testing levels, or allow R.P. to take an English class of his choice, the petitioner needed to file a timely petition challenging those failures. Undeniably, M.P. acknowledges that he was at the June 20024 meeting and was aware of the District's refusal to honor his requests or address his concerns soon after. Thus, the ninety-day limitation period began at that meeting and expired at the latest by the end of September. Indeed, I found that the December 7, 2024, petition was

indisputably late. Furthermore, M.P. was also aware of his son's ninth-grade attendance issues and filed a 2021 petition to address them.

Still, the Commissioner may exercise his authority under N.J.A.C. 6A:3-1.1.6 to relax the application of the 90-day rule "where strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice." Ibid. Yet, exceptions to the ninety-day rule are only appropriate where compelling circumstances exist to justify the enlargement or relaxation of the time limit. See Kaprow, 131 N.J. at 590; DeMaio v. New Providence Bd. of Educ., 96 N.J.A.R.2d (EDU) 449, 453.

M.P. offers no circumstances, let alone compelling ones, to justify his lack of diligence here.

Furthermore, this extraordinary relief is reserved only for situations where the party presents a substantial constitutional issue or a matter of significant public interest that extends beyond the concerns of the parties. Portee v. Bd. of Educ. of Newark, 94 N.J.A.R.2d (EDU) 381, 384; Wise v. Trenton Bd. of Educ., EDU 160-00, Initial Decision (July 25, 2000), adopted, Comm'r Decision (September 11, 2000), aff'd, St. Bd. (January 3, 2001), <http://njlaw.rutgers.edu/collections/oal/>.

Notably, the petitioner's claim has only personal significance, making relaxation of the rule even less appropriate. If the Commissioner were to relax the filing timeframe for every harsh result, that action would nullify the rule's salutary public policy of encouraging the prompt resolution of disputes. Pacio v. Bd. of Educ. of Lakeland Reg. High Sch. Dist., 1989 S.L.D. 2060 (Comm'r July 29, 1989). Thus, I **CONCLUDE** that the petitioner does not present exceptional circumstances or a compelling reason that warrants relaxation of the ninety-day rule and that he filed the petition beyond the required time frame.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the District's motion to dismiss be **GRANTED**. I further **ORDER** that the Petition of 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.



June 16, 2025

DATE

NANCI G. STOKES, ALJ

Date Received at Agency:

June 16, 2025

Date Mailed to Parties:

ljb