

13-04 (Link to OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu00470-03_1.html)

OAL DKT. NO. EDU 470-03
AGENCY DKT. NO. 51-2/03

D.T. AND M.T., on behalf of minor child, N.T., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BRIDGEWATER-RARITAN REGIONAL :
SCHOOL DISTRICT, SOMERSET COUNTY, :
RESPONDENT. :
_____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Exceptions were submitted by petitioners in accordance with *N.J.A.C.* 1:1-18.4 and were duly considered by the Commissioner in reaching his determination herein.

In their exceptions, petitioners object to the dismissal of their petition and request that the matter be remanded for a trial before another Administrative Law Judge (ALJ). (Exceptions at 1 and 4) Moreover, petitioners accuse the ALJ and the Board’s counsel in this matter of numerous violations of alleged unethical conduct (*Id.* at 1-3), and request the Commissioner to investigate “the treacherous actions of how this decision was unlawfully malfeasance orchestrated (sic)” by the ALJ and the Board’s counsel. (*Id.* at 4)

Initially, with respect to petitioners’ request that the Commissioner investigate alleged unethical conduct by the ALJ and the Board’s counsel, the Commissioner does not have jurisdiction to entertain this request. To the extent that petitioners seek an investigation of the

conduct by the ALJ and the Board's counsel in this matter, such requests are appropriately directed to the Director of the OAL, pursuant to *N.J.A.C. 1:31-3.1 et seq.*, and/or the Office of Attorney Ethics.

Turning next to the question of whether this matter should be remanded for hearing, as petitioners assert, it is noted that this matter was filed on February 7, 2003 as an emergent relief petition. Therein, petitioners sought to stay a five-day school bus suspension until the merits of their challenge to the Board's decision to impose a five-day suspension on their son could be heard. By letter of February 14, 2003, the Board notified the ALJ that the District "will agree to voluntarily stay the 5 day bus suspension, thereby obviating any hearing on the stay motion." (Board's letter, dated February 14, 2003) Subsequently, by letter of October 30, 2003, the Board notified the ALJ that the Board had: 1) nullified the five-day bus suspension, which is the subject of the petition in this matter; 2) removed all reports and other documentation underlying the five-day bus suspension from N.T.'s file; 3) withdrawn all unresolved disciplinary matters involving N.T. during the 2002-03 school year; and 4) removed all reports and other documentation underlying any and all unresolved disciplinary matters during the 2002-03 school year from N.T.'s file. (Board's Letter, dated October 30, 2003) By letter of November 25, 2003, the Board, referring to its October 30 letter summarized above, moved to dismiss the petition in this matter as moot.

Accordingly, upon careful and independent review of the record, the Commissioner finds that a hearing in this matter is not required and agrees with the conclusion of the ALJ that this matter is moot in that the Board has granted petitioners the relief requested in their petition, *i.e.*, the Board voluntarily stayed the bus suspension imposed on N.T. and,

subsequently, nullified the suspension and removed all documentation underlying the bus suspension from N.T.'s file. Therefore, the Initial Decision is adopted for the reasons expressed therein and the petition is dismissed with prejudice.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 20, 2004

Date of Mailing: January 21, 2004

* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*