

#191-05 (OAL Decision not yet available on-line)

M.D.G., on behalf of minor child, C.J., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY OF : DECISION
ATLANTIC CITY, ATLANTIC COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner asserted that respondent Board permitted an unsafe environment for her daughter, who was allegedly “jumped” on the playground at the Uptown School Complex by five children who received no punishment, notwithstanding Board policy.

The ALJ denied respondent Board’s motion to dismiss the petition as moot based on the fact that C.J. is no longer enrolled at the Uptown School Complex, emphasizing that the complaint is viable because it deals with the safety and welfare of children attending Atlantic City Public Schools. The ALJ stated that the sole issue in this matter is whether or not the respondent Board provided a safe environment for the petitioner’s daughter while she attended the Board’s Uptown School, pursuant to *N.J.S.A. 18A:37-15*, which directs each school district to adopt a policy prohibiting harassment, intimidation or bullying. The ALJ found that the respondent Board’s agents and representatives were in violation of *N.J.S.A. 18A:37-15* when they failed to promptly and thoroughly investigate the alleged incident of harassment and/or intimidation involving C.J. The ALJ ordered that the City of Atlantic City Board of Education comply with the provisions of *N.J.S.A. 18A:37-15* by conducting staff in-service programs with respect to the requirements of the statute in order to assure that all pupils under the Board’s supervision and control will be protected from harassment, intimidation or bullying in the future.

The Commissioner concurs with the ALJ that the Board must take appropriate steps to effectuate full compliance with *N.J.S.A. 18A:37-15* so as to assure that the children entrusted to its care will be protected from harassment, intimidation or bullying. Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition is dismissed.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

OAL DKT. NO. EDU 6450-04
AGENCY DKT. NO. 206-6/04

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge that the Board must take those steps necessary to effectuate full compliance with *N.J.S.A. 18A:37-15* so as to assure that the children entrusted to its care will be protected from harassment, intimidation or bullying.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 26, 2005

Date of Mailing: May 26, 2005

* 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.*