

#54-08

BOARD OF EDUCATION OF THE :
TOWNSHIP OF MONROE, :
MIDDLESEX COUNTY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
R.O. and R.O. on behalf of : DECISION
minor child, R.O., :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning Board sought an order from the Commissioner authorizing it to conduct certain assessments of R.O. – a gifted student in math and science who showed weaknesses in some language arts skills – to evaluate his abilities and level of achievement; petitioner also asked the Commissioner to compel respondents’ cooperation in the assessment process. Respondents subsequently filed an answer and counter petition requesting that the Commissioner enter an order dismissing the petition based on R.O.’s withdrawal from the school district; petitioner then submitted a letter requesting that the petition be withdrawn for mootness.

No opposition papers having been filed by the specified due date, the Commissioner dismissed the matter for mootness.

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.

February 5, 2008

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MIDDLESEX COUNTY, :
PETITIONER, :
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minor child, R.O., :
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_____ :

This matter was opened before the Commissioner of Education on November 21, 2007, by way of a verified petition by the school district against the respondent parents of minor child, R.O., a gifted student in math and science who showed weaknesses in some language arts skills. Petitioner requested that the Commissioner issue an order authorizing it to conduct certain assessments of R.O. – by a certified learning disabilities teacher/consultant and a school psychologist – to better evaluate R.O.’s abilities and level of achievement. The petition also asked the Commissioner to compel respondents’ cooperation.

By notice dated November 21, 2007, the Bureau of Controversies and Disputes (the Bureau) directed respondent, via regular mail, to file an answer to the petition. On December 28, 2007, the Bureau directed respondent for a second time, via both certified and regular mail, to file an answer to the petition. Neither of the notices sent by regular mail was returned to the Commissioner, and the notice sent by certified mail was acknowledged as received (“green card”).

On January 11, 2008, the Bureau received an “Answer and Counter Petition” from respondent R.O., in which respondent requested that the Commissioner of Education (Commissioner) enter an order dismissing the petition “because R.O. is no longer enrolled in the district as a student.” In addition, the Commissioner received a letter from petitioner requesting that the petition be deemed “withdrawn without prejudice” for mootness – based upon the respondents’ withdrawal of R.O. from petitioner’s school district and based upon the language requesting dismissal in respondents’ answer.

The parties were consequently directed to submit memoranda delineating why the Commissioner should not dismiss both the petition and counter petition as moot, and were advised that if no opposition papers were received by January 22, 2008, the Commissioner would deem the matter moot and dismiss it accordingly. As no opposition papers have been received to date, this matter is hereby dismissed for mootness.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: February 5, 2008

Date of Mailing: February 5, 2008

* 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.*