

B.G., on behalf of minor child, B.G., III, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY OF : DECISION
EAST ORANGE, ESSEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Pro se petitioner initially sought emergent relief to have disciplinary charges against his son – B.G., III – dismissed, and to have a Child Study Team assessment and related development of an Individual Education Program to address B.G.’s needs; he subsequently amended his petition to request monetary compensation for, *inter alia*, the expenses of childcare and possible future attorney fees. An emergent relief hearing was held, at which the ALJ determined that certain of petitioner’s initial issues had been mooted by the Board’s actions prior to the hearing date, and others were not conducive to determination on an emergent basis; the ALJ denied the application for emergent relief. Subsequently, the Board moved to dismiss the petition for failure to state a claim upon which relief could be granted.

The ALJ found that the Commissioner has no statutory authority to grant reimbursements for costs and legal fees, and the remaining issues in the petition were determined to be moot. Accordingly, the ALJ recommended dismissal of the petition in its entirety, with prejudice.

Upon a full and independent review, the Commissioner adopted the Initial Decision as the final decision in this matter. The petition was 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.

May 20, 2008

OAL DKT. NO. EDU 3036-08
AGENCY DKT. NO. 40-1/08

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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 a full and independent review, the Commissioner determines that summary decision is appropriately granted to the Board as she concurs with the Administrative Law Judge that there is no legal authority for petitioner to recover damages or legal fees in this forum, and the remaining issues comprising the instant petition of appeal have previously been rendered moot.

Accordingly, the recommended decision of the OAL is adopted for the reasons articulated therein and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2008

Date of Mailing: May 21, 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.*