

#424-08 (OAL Decision: Not yet available online)

G.J., on behalf of minor child, E.J.,	:	
PETITIONER,	:	
V.	:	
WESLEY HILL, BERLIN COMMUNITY	:	
ELEMENTARY SCHOOL, CAMDEN COUNTY,	:	
RESPONDENT.	:	
AND	:	COMMISSIONER OF EDUCATION
G.J., on behalf of minor child, E.J.,	:	DECISION
PETITIONER,	:	
V.	:	
BOARD OF EDUCATION OF THE	:	
BOROUGH OF BERLIN, CAMDEN COUNTY,	:	
RESPONDENT.	:	

SYNOPSIS

Pro se petitioner filed a petition of appeal and application for emergent relief appeal, seeking immediate removal of teacher Wesley Hill from the classroom following an incident in which he allegedly struck and injured the petitioner’s son on a school bus, during a field trip. Emergent relief was denied, and the matter proceeded at the Office of Administrative Law (OAL) on its merits, i.e. the question of whether the Board acted unreasonably in determining not to remove respondent from contact with students during the pendency of its investigation into the underlying incident. Respondent Hill filed a motion for summary decision on the grounds that the investigation conducted by the Board had concluded that the incident was an accident. Petitioner filed no response to the motion.

The ALJ concluded that: petitioner’s claim is now moot as the Board’s investigation concluded with a decision that no action was necessary; there is no legal authority by which to suspend or terminate employment of a teaching staff member separate from the process laid out in the tenure laws (*N.J.S.A. 18A:6-10 et seq*); there are no material facts in dispute, and summary decision for both respondents should be granted as a matter of law.

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

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.

October 22, 2008

OAL DKT. NOS. EDU 4282-08
AGENCY DKT. NOS. 137-5/08 AND 139-5/08 (CONSOLIDATED)

G.J., on behalf of minor child, E.J., :
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 PETITIONER, :
 :
 V. :
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 WESLEY HILL, BERLIN COMMUNITY :
 ELEMENTARY SCHOOL, :
 CAMDEN COUNTY, :
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 RESPONDENT. :
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 AND : **COMMISSIONER OF EDUCATION**
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 G.J., on behalf of minor child, E.J., : **DECISION**
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 BOARD OF EDUCATION OF THE :
 BOROUGH OF BERLIN, :
 CAMDEN COUNTY, :
 :
 RESPONDENT. :
 _____ :

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 her full review, the Commissioner concurs with the Administrative Law Judge that summary decision is appropriately granted to respondents and this matter should be dismissed as moot.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons presented therein and the instant case is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: October 22, 2008

Date of Mailing: October 22, 2008

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.