

R.W., ON BEHALF OF MINOR CHILD, A.W., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF WASHINGTON,  
GLOUCESTER COUNTY, :  
RESPONDENT. :

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SYNOPSIS

The instant petition was originally filed on July 2, 2008 as an application for emergent relief, wherein the petitioner appealed the Washington Township Board of Education's placement of her son in the Gloucester County Alternative School during the 2007-2008 school year, following an alleged assault on another student at Washington Township High School. Petitioner contended that the Board's decision reflected institutional racism, retaliation and other improper motives, and requested that A.W. be returned to the district's high school with a private tutor paid for by the school district. Subsequently, A.W. was disenrolled from Washington Township schools on September 26, 2008 at the request of his mother, R.W. The motion for emergent relief was denied, and the Board filed a motion for summary judgment. A hearing on the merits was held on September 9, 2009.

The ALJ found that: the doctrine of *res judicata* applies in this matter, as a decision was previously rendered on a petition filed by R.W. in January 2008 which arose from the same incident and challenged the same Board action as the instant petition; although immaterial given the foregoing finding of *res judicata*, the instant petition was filed well beyond the 90-day requirement of *N.J.A.C. 6A:3-1.3(i)*; A.W. is no longer enrolled in the district and therefore the ALJ lacks jurisdictional authority to grant relief; there is no genuine issue of material fact in this case, and the Board is entitled to summary decision pursuant to *N.J.A.C. 1:1-12.5(b)*. The ALJ dismissed the petition with prejudice.

The Commissioner found that she is without jurisdiction to adjudicate the controversy since A.W. has been disenrolled from respondent's school district. On that basis, she dismissed the petition.

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.

December 2, 2009

OAL DKT. NO. EDU 8073-08  
AGENCY DKT. NO. 162-6/08

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions have been received from either party.

As the minor child on whose behalf the case was brought has been disenrolled from respondent's school district, the Commissioner is without jurisdiction to adjudicate the controversy.

Accordingly, the petitioner is hereby dismissed

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: December 2, 2009

Date of Mailing: December 3, 2009

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