

A.M.M., ON BEHALF OF MINOR :  
CHILD, G.M., :  
 :  
 PETITIONER, : COMMISSIONER OF EDUCATION  
 :  
 V. : DECISION  
 :  
 BOARD OF EDUCATION OF THE :  
 BOROUGH OF PARK RIDGE, :  
 BERGEN COUNTY, ET AL., :  
 :  
 RESPONDENTS. :  
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SYNOPSIS

Petitioner, the parent of an elementary student who was enrolled in the Park Ridge schools in 2009, initially filed an application for emergent relief in September 2009 contending, *inter alia*, that the restrictions placed on petitioner’s access to school property were unlawful and made it impossible for her to send G.M. to school, since she could not be assured of his safety and freedom from retaliation for her actions advocating on his behalf. Petitioner requested that all records of absences for G.M. be expunged. The Board counterclaimed for interim judgment requiring petitioner to cause her son to attend school or otherwise comply with compulsory education laws (*N.J.S.A. 18A:38-25 et seq.*), and for attorney fees. Petitioner withdrew her appeal in response to the latter demand; an emergent hearing was held on the Board’s counterclaim; the ALJ found that the Board had not met the necessary standard for grant of emergent relief, and dismissed the matter in its entirety. In November 2009, The Commissioner reinstated the petitioner’s appeal and remanded it to the OAL for hearing solely on the school law claims. The Board filed a motion for summary decision.

On remand, the ALJ found that: there is no genuine issue of material fact, and the matter is ripe for summary decision; petitioner does not currently have legal custody of her son; custody and decision-making authority for G.M. is presently vested in the Division of Youth and Family Services (DYFS); accordingly, petitioner currently lacks the authority to pursue this litigation or to direct her son’s education; petitioner at no time alleged that G.M.’s non-attendance was inaccurately recorded, but urged that she was justified in keeping him at home, therefore – absent a contention that the attendance records are inaccurate – the records cannot be expunged as they are mandated student records which must be maintained by the district pursuant to *N.J.A.C. 6A:32-7.8(2)(e)*; and the remaining issues for adjudication on remand have become moot as they all pertain to G.M. attending school in the Park Ridge school district, and at present he is in the legal and physical custody DYFS, attending school in Montvale. Accordingly, the ALJ granted the Board’s motion for summary decision and dismissed the petition.

Upon full and independent review, the Commissioner adopted the Initial Decision of the OAL 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.

December 2, 2010

OAL DKT. NO. EDU 13869-09  
(EDU 11357-09 ON REMAND)  
AGENCY DKT. NO. 253-9/09

A.M.M., on behalf of minor child, G.M., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE BOROUGH : DECISION  
OF PARK RIDGE, BERGEN COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon full consideration, the Commissioner concurs with the Administrative Law Judge – for the reasons clearly detailed in her decision – that summary decision is appropriately granted to the Board.

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.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 2, 2010

Date of Mailing: December 2, 2010

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\* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*.