

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION

OAL DKT. NO. EDS 2079-16

AGENCY DKT. NO. 2016 23888

C.J. ON BEHALF OF J.J.,

Petitioner,

v.

**CLEARVIEW REGIONAL BOARD OF
EDUCATION,**

Respondent,

DURAND ACADEMY,

Intervenor.

Jamie Epstein, Esq., for petitioner

Brett Gorman, Esq., for respondent (Parker McCay, P.A., attorneys)

Jenelle Edwards-Stewart, Esq., for intervenor (Porzio, Bromberg & Newman,
P.C., attorneys)

Record Closed: April 21, 2016

Decided: April 22, 2016

BEFORE **JOHN SCHUSTER III**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

In this matter C.J. on behalf of J.J. (petitioner) filed an action for emergent relief and due process against Clearview Regional School District Board of Education (respondent). The petition requested that J.J. be allowed to remain at Durand Academy (intervenor) as his out-of-district placement. Intervenor opposed that request and filed a Motion it be relieved as a responsible party for J.J.'s education. The Motion was granted based on the findings that J.J. was a danger to himself and to others, that he had assaulted staff and students at Durand Academy, that he had performed injurious acts upon himself and that petitioner refused the efforts of Durand Academy to evaluate J.J. to determine the cause of his maladaptive behaviors and to develop a behavior plan to address those behaviors. The Order resulting from that Motion relieved Durand Academy from its responsibility to educate J.J. and placed that responsibility on respondent Clearview. At some point petitioner retained counsel and a second petition was filed which incorporated the request for relief set forth in the first petition as well as for compensatory education, evaluations, and the finding of an appropriate placement for J.J. Thereafter respondent filed a Motion to dismiss the original petition and this Decision addresses that Motion.

FINDINGS OF FACT

Two petitions have been filed in this matter. The first petition filed by pro se petitioner seeks continued placement at Durand Academy. The second petition filed by counsel for the petitioner incorporates the request of the first petition, as well as seeks the relief of compensatory education, evaluations to be completed for the student and ultimately an appropriate placement based on his current needs. Because the second petition incorporates the relief set forth in the first petition I **FIND** that two petitions seeking the same relief serve no legitimate purpose and does not foster judicial economy. I also **FIND** based on the prior ruling of this Court that Durand Academy does not have a continued obligation to provide the educational services for J.J. since his behaviors in assaulting other students, school staff, and himself are beyond the capabilities of management of Durand Academy. As a result, Durand Academy's

obligation to continue educating J.J. has been terminated by that Order. Therefore the particular relief sought in the first petition, that being the continued placement at Durand Academy, has already been decided and there is no longer a controversy for this Court to consider.

CONCLUSION

For the reasons set forth herein I **CONCLUDE** that it is appropriate to dismiss the first petition filed in this matter as its continued existence on the docket serves no purpose.

ORDER

I hereby order the petition filed under the within docket number be **DISMISSED** with prejudice.

This decision is final pursuant to 20 U.S.C. § 1415(g)(2) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(g)(2); 34 C.F.R. § 300.516 (2007).

April 22, 2016

DATE

JOHN SCHUSTER III, ALJ

Date Received at Agency:

Date Mailed to Parties:

/cb