

D.F., on behalf of minor child, T.F., :
PETITIONERS, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF BRICK, OCEAN COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner appealed the Board's refusal to permit T.F. to participate in cheerleading due to academic ineligibility. Parent claims denial of an exception is unreasonable under the circumstances, and suggests that accommodations have been made for other students. Subsequent to the filing of the petition, T.F. dropped out of Brick Township High School. Because petitioner's claims are based on T.F.'s status as a student in Brick schools, the Board filed a motion for summary judgment to dismiss the petition.

The ALJ concluded *inter alia* that: petitioner's claims are moot based on the fact that T.F. is now 18 years old, and has dropped out of school; petitioner has provided no reasonable basis for a finding that the instant matter is of compelling public importance such that this case should be decided despite its mootness; petitioner's allegations do not appear to provide a reasonable basis for a claim for damages; and the Board's motion for summary decision must be granted as there is no genuine issue of material fact that necessitates a hearing in this matter. The ALJ granted the motion for summary judgment and ordered the petition in this matter dismissed.

The Commissioner adopts the Initial Decision as his own for the reasons expressed therein, and dismisses the petition.

<p>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.</p>

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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 did not file exceptions.

Upon a careful and independent review of the record in this matter, the Commissioner concurs with the grant of the Board's motion dismissing the within petition as moot since T.F. has dropped out of Brick Township High School and petitioner's claims are based on T.F.'s status as a student of that school. Moreover, the Commissioner agrees with the Administrative Law Judge's conclusion that petitioner has provided no reasonable basis for a finding that this is a matter of compelling public importance capable of repetition such that this case should be decided despite its mootness.

Accordingly, the Initial Decision granting the Board's motion and dismissing the petition in this matter is adopted for the reasons expressed therein.

IT IS SO ORDERED. *

COMMISSIONER OF EDUCATION

Date of Decision: July 22, 2005

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* 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.*