

C.V., on behalf of minor child, T.W., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
CITY OF PLAINFIELD, UNION COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner alleged that the respondent Board failed to adequately protect her from harassment by other students following a sexual assault perpetrated by another Plainfield High student that occurred off school premises, and sought relief that included, *inter alia*: an increase in the number of hours of home instruction provided to petitioner; placement in another school district in Union County beginning in September 2006; changing petitioner's absences following the incident from "unexcused" to "excused"; removal of her attacker from the school for the remainder of the 2005-2006 academic year; and implementation by the district of instructional education for students and staff on the issues of sexual harassment. Respondent filed motion for summary decision.

The ALJ found, *inter alia*, that: petitioner's request for placement in another district is moot because petitioner will no longer be living in New Jersey as of September 2006; there is no legal basis that might justify ordering the District to implement an educational program on sexual harassment; removal of the attacker to an alternate placement is not presently necessary as T.W. will not be attending the same school next year; and the Board must revise its attendance records to reflect that T.W. was not considered to be "absent" during the time she was receiving home instruction during the 2005-2006 school year. The ALJ granted respondent's motion for summary decision and dismissed the petition, but ordered that the Board must revise its attendance records to conform to *N.J.A.C. 6A:32-8.1*.

The Commissioner concurred with the ALJ for the reasons clearly stated in his decision, adopted the Initial Decision of the OAL, and 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.

September 12, 2006

OAL DKT. NO. EDU 5442-06  
AGENCY DKT. NO. 159-5/06

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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 filed no exceptions to the Initial Decision.

Upon review, the Commissioner concurs with the Administrative Law Judge that the Board must revise its attendance records to reflect that T.W. was not considered absent during the period she was receiving home instruction and that – in all other respects – summary decision dismissing this matter as moot is appropriately granted to the Board.

Accordingly, the Initial Decision of the OAL is adopted for the reasons clearly stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 12, 2006

Date of Mailing: September 13, 2006

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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.*