

#291-07 (OAL Decision: Not yet available on-line)

L.A. AND C.A., ON BEHALF OF MINOR, :
CHILD, P.M.A., :
 : COMMISSIONER OF EDUCATION
PETITIONER, :
 : DECISION
V. :
 :
BOARD OF EDUCATION OF THE CITY OF :
PORT REPUBLIC, ATLANTIC COUNTY, :
 :
RESPONDENT. :

SYNOPSIS

Petitioners allege that the Board has jeopardized the welfare of their son by permitting a woman they do not like to serve as a class parent for parties and class trips during the 2006-2007 school year. Petitioners requested emergent relief, but failed to file the requisite motion. Respondent Board filed a motion for sanctions pursuant to *N.J.A.C. 1:1-14.14(a)* after petitioners failed to provide required discovery.

The ALJ noted that this complaint is the sixth petition filed between the parties since 2004, five of these filed by petitioner L.A., and that – based on prior discovery problems between the parties – he imposed a specific discovery schedule in a Prehearing Order dated February 7, 2007. He further noted that petitioners failed to provide the requisite discovery, despite the specific deadlines and a telephone conference on April 18, 2007, during which the ALJ admonished L.A. to resubmit answers to discovery which the petitioner claimed were previously sent but never received by the respondent Board. The ALJ found that: L.A.’s assertion that she returned the discovery to the Board’s attorney – but did not maintain a copy for her records – is both incredible and unbelievable; petitioners ignored his instructions to resubmit the discovery responses; and petitioners’ violation of the Prehearing Order is wanton and willful. Accordingly, the ALJ granted the Board’s motion for sanctions, and determined that the appropriate remedy in this matter is suppression of the petitioners’ claim, and dismissal of the petition.

Upon an independent review, the Commissioner concurred with the ALJ, and adopted the Initial Decision of the OAL as the final decision in this matter. The petition was dismissed.

<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>

July 18, 2007

OAL DKT. NO. EDU 12031-06
AGENCY DKT. NO. 398-11/06

L.A. AND C.A., ON BEHALF OF MINOR, :
CHILD, P.M.A., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE CITY OF :
PORT REPUBLIC, ATLANTIC COUNTY, :
RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs with the Administrative Law Judge, for the reasons fully set forth in the Initial Decision, that suppression of petitioners' claims and dismissal of the Petition of Appeal is the appropriate resolution of this matter.

Accordingly, for the reasons expressed therein, the Initial Decision of the OAL is adopted as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: July 18, 2007

Date of Mailing: July 18, 2007

* 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.*