

TRICIA WITKINS, :
 :
 PETITIONER, :
 : COMMISSIONER OF EDUCATION
 V. :
 :
 : DECISION
 BOARD OF EDUCATION OF THE :
 BOROUGH OF PITMAN, :
 GLOUCESTER COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner challenged a three day suspension imposed upon her during her senior year of high school, in the aftermath of an altercation during a football game. Petitioner sought to remove the discipline from her student records, and additionally sought reimbursement of attorney's fees. The suspension was subsequently expunged from petitioner's student records.

The ALJ dismissed that portion of the complaint related to discipline as moot, and found that the Commissioner has no authority to award attorney's fees in claims arising under *N.J.S.A. 18A:6-9*. Accordingly, the ALJ dismissed with prejudice the petitioner's appeal for attorney fees.

Upon full consideration, the Commissioner concurred with the ALJ for the reasons detailed in the Initial Decision, and dismissed 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>

February 18, 2011

OAL DKT. NO. EDU 2441-10
AGENCY DKT. NO. 13-1/10

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After independent review of the record of this matter and the Initial Decision of the Office of Administrative Law (OAL), the Commissioner adopts the Initial Decision as the final decision. Insofar as all references to the discipline which had been imposed upon petitioner have been expunged from her student file, the portion of her petition that challenged same is dismissed as moot. Petitioner's remaining demand for attorney fees is also dismissed in consequence of the Commissioner's lack of authority to award same.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 18, 2011

Date of Mailing: February 22, 2011

¹ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).