

#47-11 (OAL Decision: Not yet available online)

ASIA ROBINSON,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF PATERSON, PASSAIC COUNTY,	:	DECISION
	:	
RESPONDENT.	:	

SYNOPSIS

Petitioner challenged a disciplinary suspension imposed upon her during her senior year of high school, in the aftermath of an altercation with another student. Petitioner was readmitted to school following her suspension, went on to graduate in June 2009, and is currently on active duty in the United States Marine Corps. The school district contends that the issues raised in the petition have been rendered moot by Ms. Robinson’s graduation, and asks that the matter be dismissed.

The ALJ found, *inter alia*, that: the claims raised in the petition are moot, as petitioner has already received her high school diploma and there is no longer any record of the suspension maintained in petitioner’s student records; petitioner’s assertions that the suspension was imposed in violation of her due process rights and that the district’s disciplinary procedures are legally flawed are likewise moot because petitioner is no longer subject to the force of school procedures or regulations; and petitioner’s argument that her within claims require resolution so that she may pursue claims against the district elsewhere is flawed as dismissal here does not preclude petitioner from later bringing her defamation and other claims before the appropriate court. Accordingly, the ALJ concluded that the petition should be dismissed.

Upon full consideration, the Commissioner concurred with the ALJ for the reasons comprehensively detailed in the Initial Decision, and dismissed the petition as moot.

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.

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RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner requested and was granted an extension of time within which to file exceptions to the Initial Decision. These exceptions and the District's reply thereto were filed in accordance with the modified timelines.

Petitioner's exceptions essentially recast and reiterate her arguments advanced below. As the Commissioner finds that such arguments were fully considered and addressed by the ALJ in her decision, they will not be revisited here.

Upon full consideration, the Commissioner concurs with the ALJ – for the reasons comprehensively detailed on pages 4-6 of her Initial Decision – that this matter is appropriately dismissed as moot.

¹ It is noted that a prior named petitioner in this matter, Stephen Kent, was dismissed as a petitioner by Interlocutory Order of the Administrative Law Judge (ALJ) dated November 23, 2009. In this order the ALJ further determined that there was no authorization which would allow Mr. Kent to serve as a non-attorney representative of Ms. Robinson in this matter. The Commissioner is in full accord with the ALJ's November 23, 2009 Interlocutory Order.

Accordingly, the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: January 25, 2011

Date of Mailing: January 26, 2011

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c.36* (*N.J.S.A. 18A:6-9.1*)