

S.V., M.R. and G.R., on behalf of minor children, K.V., E.R. and F.H.,
PETITIONERS,
V.
BOARD OF EDUCATION OF THE CITY OF CAMDEN, CAMDEN COUNTY,
RESPONDENT.

COMMISSIONER OF EDUCATION
DECISION

SYNOPSIS

Petitioners – parents of students in the Camden School District – alleged that the respondent Board failed to provide a thorough and efficient education for their children as required under the Constitution of the State of New Jersey (Count One) and the New Jersey Civil Rights Act (Count Two). The Board filed several motions to dismiss in lieu of an answer. Subsequent to the filing of the instant petition, a full takeover of the Camden School District was initiated by the State.

The ALJ found, *inter alia*, that: the Commissioner has jurisdiction to determine whether the Board is providing petitioners with a thorough and efficient public education; as to Count Two, while the Commissioner does have jurisdiction to decide claims of discrimination when such claims arise under the school laws, he does not have jurisdiction to hear a controversy which was filed under the New Jersey Civil Rights Act, as was the case herein; and Count One of the petition – in light of the intervening State takeover of the Camden School District – should be dismissed as premature, moot and precluded by the principle of *res judicata*. The ALJ concluded that respondent’s motion to dismiss for lack of jurisdiction should be denied in part as related to Count One, and granted in part as related to Count Two, but Count One should be dismissed as premature, moot and precluded by the principle of *res judicata*. The ALJ ordered the petition dismissed.

Upon a full and independent review, the Commissioner concurred with the findings and conclusions of the ALJ. Accordingly, the Initial Decision of the OAL was adopted as the final decision, and the petition was dismissed.

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.

OAL DKT. NO. EDU 13908-12
AGENCY DKT. NO. 307-10/12

S.V., M.R. and G.R., on behalf of minor	:	
children, K.V., E.R. and F.H.,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
CITY OF CAMDEN, CAMDEN COUNTY,	:	
	:	
RESPONDENT.	:	

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed pursuant to *N.J.A.C.* 1:1-18.4 by the petitioners and the Board of Education (Board), as well as the Board’s reply to the petitioners’ exceptions.

This matter involves a petition of appeal filed by the parents of three students enrolled in the Camden School District claiming that their children are being denied a thorough and efficient education pursuant to the Constitution of the State of New Jersey (Count One) and the New Jersey Civil Rights Act (Count Two).¹ Following oral argument on several motions filed by the Board, the Administrative Law Judge (ALJ) found that Count One of the petition should be dismissed as premature, moot and precluded by the principles of *res judicata*; and that Count Two of the petition should be dismissed for lack of jurisdiction and for failure to state a cause of action. In their exceptions, the parties reiterated all of the arguments advanced at the

¹ During the course of the litigation -- in an unrelated action – the State Board of Education issued an Administrative Order on June 5, 2013 placing the Camden City School District under full State intervention because the Camden School District was not providing a thorough and efficient system of education.

OAL, which were thoroughly considered and discussed by the ALJ in rendering the specific determinations outlined in the Initial Decision.

Upon the review of the record in this matter, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein. Accordingly, the petition is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: January 21, 2014

Date of Mailing: January 27, 2014

² 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*).