

SHERRY MORENCY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF HAMILTON, :
MERCER COUNTY, :
RESPONDENT. :

SYNOPSIS

The petitioner sought, *inter alia*, a declaratory ruling directing the respondent Board to issue a written decision stating that it rejected its superintendent's decision affirming a finding that the petitioner was in violation of the Anti-Bullying Bill of Rights Act (Act), *N.J.S.A. 18A:37-13 et seq.* The respondent Board filed a motion to dismiss the petition as moot, citing the Board's written notification to petitioner – dated September 19, 2013 – that the Board had rejected the superintendent's finding, as well as an October 7, 2013 notification in this regard to the parent who had filed the complaint against petitioner.

The ALJ found, *inter alia*, that: this matter arose from a finding by the Hamilton Township Superintendent of Schools that the petitioner – a parent of children who attend school in the district – violated the Act when she allegedly accused several students of smoking marijuana off-campus during the summer, and from certain actions taken by the Board thereafter in rejecting the superintendent's determination; the petition was filed as a request for declaratory ruling, but does not conform to the requirements of such a request as the petitioner seeks consequential relief beyond a declaration as to the rights, responsibilities and status arising from a statute or rule within the Commissioner's jurisdiction, specifically in this case the meaning of *N.J.S.A. 18A:37-15* or any other provision of the Act; the petitioner was effectively granted the relief she sought when the Board rejected the superintendent's finding that petitioner had violated the Act, and notified both the petitioner and the parent who had initiated the HIB complaint of its decision, in writing, on September 19 and October 7, 2013, respectively. The ALJ concluded that whether this appeal is treated as a petition for declaratory ruling or a contested case, the matter is moot; accordingly, the motion to dismiss was granted.

Upon comprehensive review of the record, the Commissioner concurred with the ALJ that the matter is appropriately dismissed as moot. Accordingly, the Commissioner adopted the Initial Decision as the final decision in this matter.

<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>

OAL DKT. NO. EDU 810-14
AGENCY DKT. NO. 310-12/13

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that the matter is appropriately dismissed as moot. Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons stated therein, and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 29, 2014

Date of Mailing: October 29, 2014

¹ 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)