

36-24

OAL Dkt. No. EDU 10671-22

Agency Dkt. No. 343-11/22

New Jersey Commissioner of Education

Final Decision

S.W., on behalf of minor child, F.M.,

Petitioner,

v.

Board of Education of the South Orange-
Maplewood School District, Essex County,

Respondent.

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

The petition in this matter is one of several that were filed in late 2022, challenging the South Orange-Maplewood Board of Education's (Board) decision to deny bus transportation to certain students. Among other things, the petitioners alleged that their children would be required to walk on hazardous routes to and from school and/or that they lived more than two miles from school and therefore met the requirements to receive transportation under the Board's remote bussing policy. In September 2023, the Board revised their transportation policies, designated additional hazardous routes, and passed a resolution approving funding to provide transportation for preschool and elementary school students if they lived 1.25 or more miles from their assigned schools. In light of these changes, the Administrative Law Judge (ALJ) found that the issues raised in the appeals had been rendered moot.

Upon review, the Commissioner concurs with the ALJ that this matter is now moot.

Accordingly, the Initial Decision is adopted as the final decision in this case, and the petition is dismissed.

IT IS SO ORDERED.¹


ANGELINA ALLEN McMILLAN, Jd.D.
ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 8, 2024
Date of Mailing: January 10, 2024

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 10671-22

AGENCY DKT. NO. 343-11/22

S.W., ON BEHALF OF MINOR CHILD, F.M.,

Petitioner,

v.

**BOARD OF EDUCATION OF THE
SOUTH ORANGE-MAPLEWOOD SCHOOL
DISTRICT, ESSEX COUNTY,**

Respondent

S.W., on behalf of minor child, F.M., petitioner, pro se

Rita Barone, Esq., for respondent (Flanagan, Barone & O'Brien, attorneys)

Record Closed: September 22, 2023

Decided: December 18, 2023

BEFORE **WILLIAM COURTNEY, ALJ:**

This matter was transmitted to the Office of Administrative Law (OAL) on December 1, 2022, for emergent relief pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13. Oral Argument was originally scheduled for January 18, 2023, and a telephone conference was then scheduled for December 14, 2022. At the request of the

undersigned, an in-person conference was held on December 22, 2022 wherein the parties engaged in settlement discussions. On January 21, 2023, the parties entered into an interim Settlement Agreement whereby respondent South Orange-Maplewood Board of Education (“Board”) agreed to provide bussing services to petitioner’s child and petitioner agreed to place the Petition of Appeal on the OAL’s inactive list. The parties further agreed that the Interim Agreement would remain in effect until June 30, 2023 (the end of the 2022/2023 school year). The settlement resulted in an Order of Inactivity dated February 22, 2023.

On September 22, 2023, the Board advised this tribunal that it had revised the Board’s transportation policies and also designated additional hazardous routes. The Board also passed a resolution approving funding to provide transportation for pre-school students and elementary school students if they lived 1.25 miles or more from their assigned schools.

Given the approval of these policy changes and approval of the transportation funding along with the Board’s transportation of students that live 1.25 miles or more from their assigned schools, I **FIND** that the issues raised in this appeal have been rendered moot.

I, therefore, **CONCLUDE** that this matter is no longer a contested case before the OAL.

ORDER

Accordingly, it is **ORDERED** that this matter be and is hereby **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of

Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



December 18, 2023

DATE

WILLIAM COURTNEY, ALJ

Date Received at Agency:

December 18, 2023

Date Mailed to Parties:

December 18, 2023

am