



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**DECISION ON EMERGENT RELIEF**

OAL DKT. NO. EDS 08310-18

AGENCY DKT.NO. 2018 28219

**L.M. ON BEHALF OF J.M.,**

Petitioner,

v.

**PROSPECT PARK BOARD OF EDUCATION,**

Respondent.

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**L.M.**, petitioner, pro se

**Jeffrey Merlino**, Esq. for respondent (Newark Public Schools, attorneys)

Record Closed: June 19, 2018

Decided: June 19, 2018

BEFORE **KIMBERLY A. MOSS**, ALJ:

Petitioner, L.M., brings this action seeking emergent relief on behalf of minor child, J.M. who is suspended due to discipline issue which resulted in a change of placement that is being disputed. Petitioner requests that J.M. remain in current placement until program is determined. Petitioner also requests that J.M. walk in the 8<sup>th</sup> grade graduation scheduled for June 22, 2018.

On June 13, 2018, the Office of Special Education Programs transmitted the matter to the Office of Administrative Law (OAL) under Docket No. EDS 08310-18. Oral argument was scheduled for June 19, 2018.

On June 15, 2018, respondent's counsel advised that Prospect Park School No. 1 is permitting J.M. to attend the 8<sup>th</sup> grade graduation on June 22, 2018 and the matter is therefore resolved. However, petitioner advised that there are still issues to be resolved, as the district is not allowing J.M. to graduation rehearsal. A telephone status conference was conducted on June 18, 2018, it was noted that "graduation practice" was not in the petition and would not be considered. Respondent's counsel advised that J.M. would be permitted to practice. Petitioner advised that she would submit a letter of withdrawal, which is attached hereto for reference.

Accordingly, I **CONCLUDE** that this matter is no longer a contested case before the Office of Administrative Law. It is therefore **ORDERED** that this matter be and is hereby **DISMISSED**.

This decision on application for emergency relief resolves all of the issues raised in the due process complaint; therefore, no further proceedings in this matter are necessary. This decision on application for emergency relief is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(i)(2). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education.

June 19, 2018



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DATE

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**KIMBERLY A. MOSS, ALJ**

Date Received at Agency

June 19, 2018

Date Mailed to Parties:

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