

#153-15 (OAL Decision: Not yet available online)

C.C., on behalf of minor child, S.C., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF JEFFERSON,
MORRIS COUNTY, :
RESPONDENT. :

SYNOPSIS

The petitioner claimed that the respondent Board and certain staff members substantially harmed his minor child, S.C., through its investigation of and response to alleged acts of Harassment, Intimidation and/or Bullying (HIB) by S.C. against a fellow student at their elementary school. S.C. received one half-day in-school suspension and was denied three recess periods. Petitioner claimed that the actions of the respondents were retaliatory, arbitrary, capricious and unreasonable, and that respondents themselves committed acts of HIB against S.C. Petitioner demanded to have the Board's determination that S.C. committed acts of HIB overturned and sought punitive damages. The Board filed a motion for summary decision, after which the ALJ granted Partial Summary Decision in favor of respondents, dismissing all but one of the issues: whether the Board acted arbitrarily, capriciously or unreasonably with respect to its investigation and response to the alleged acts of HIB.

The ALJ found, *inter alia*, that: the Board has implemented a formal policy on HIB pursuant to *N.J.S.A. 18A:37-14*; petitioner did not take issue with the underlying factual findings of the Board, and did not deny that S.C. made the statements attributed to him, but argued that S.C. was not treated fairly; the County Superintendent issued a Complaint Investigation Report in response to the concerns of S.C.'s father, which report found that the District had implemented approved HIB policies and procedures and that the choice of suspension as a consequence for the HIB findings was appropriate; the County Superintendent did not act in an arbitrary, capricious or unreasonable manner in addressing the procedural complaints of petitioner; S.C.'s action did constitute HIB as that term is defined by law; the HIB statute is intended to drive home the principle that cruel words will not be tolerated in a school environment; the consequence to S.C. was adequately restrained; and the actions of District personnel and the Board were consistent with the letter and spirit of *N.J.S.A. 18A:37-14* and *N.J.A.C. 6A:16-7.7*. The ALJ concluded that the petitioner did not meet the burden of establishing that respondent's actions were arbitrary, capricious or unreasonable, and dismissed the petition.

Upon comprehensive review of this matter, the Commissioner concurred with the ALJ's findings and conclusions. 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.
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May 12, 2015

OAL DKT. NO. EDU 10872-14
AGENCY DKT. NO. 216-8/14

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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 such review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the Board's decision in connection with S.C. was not arbitrary, capricious or unreasonable. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 12, 2015

Date of Mailing: May 12, 2015

* 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*).