

#89-13 (OAL Decision: Not yet available online)

L.B.T., on behalf of minor child, K.T., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
FREEHOLD REGIONAL SCHOOL :
DISTRICT, MONMOUTH COUNTY, :
RESPONDENT. :

SYNOPSIS

The petitioning parent, L.M.T., challenged the application of the respondent Board's Anti-Bullying Policy as it pertained to her daughter, K.T., after petitioner filed a harassment, intimidation and bullying (HIB) complaint against J.P., a fellow member of the girl's swim team at Marlboro Township High School, and J.P.'s mother, S.P. Petitioner alleged that J.P. and S.P. had bullied K.T. at swim team competitions, swim team parties and events, and online. K.T. has since graduated from high school, and is no longer a student in the district. Petitioner's requested relief included, *inter alia*, that both J.P. and S.P. be barred from holding any positions of authority or leadership within the Freehold school system, including any role for J.P. within the National Honor Society, and any involvement for the mother, S.P., in any parent club, team or activity. The respondent Board asserted that a full investigation of the HIB allegations had been conducted, resulting in a finding that the incidents did not constitute HIB as defined by the Anti-Bullying Bill of Rights and the applicable Board policy; the Board characterized petitioner L.M.T.'s continued pursuit of this matter as a personal vendetta against S.P. The Board filed a motion to dismiss, which went unanswered by the petitioner.

The ALJ found, *inter alia*, that: the petitioner in this matter has not responded to the Board's motion to dismiss; since the petitioner has failed to respond, the facts presented by the Board are uncontroverted and summary decision is appropriate; the preponderance of the credible evidence leads to the conclusion that the Board responded to all of the complaints generated by the petitioner in a timely fashion and its actions were consistent with a finding of no violation of the school district's HIB policy; petitioner failed to produce any evidence whatsoever that acts of bullying, intimidation or harassment as defined under HIB law occurred; at most, the disagreement between K.T. and J.P. reflected a dispute regarding their respective roles on the swimming team rather than any of the types of offending conduct that the HIB law is intended to protect against; and because L.M.T.'s daughter has since graduated, any issue of relief relating to K.T. is moot; further, the affirmative actions of the Board show that it seriously evaluated the merits of petitioner's concerns and took extraordinary measures to address the classmates' disagreements. The ALJ granted the Board's motion for summary decision and dismissed the petition.

Upon review, the Commissioner concurred with the ALJ that the Board is entitled to summary decision. Accordingly, the Commissioner adopted the Initial Decision as the final decision in this matter.

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.

March 7, 2013

OAL DKT. NO. EDU 7894-12
AGENCY DKT. NO. 149-5/12

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RESPONDENT. :

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 that the Board is entitled to summary decision. 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: March 7, 2013

Date of Mailing: March 8, 2013

* 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*).