438-26
OAL Dkt. No. EDU 11709-25
Agency Dkt. No. 187-6/25

New Jersey Commissioner of Education

Final Decision

P.C., on behalf of minor child, L.C.,

Petitioner,

v.

Board of Education of the Manalapan-Englishtown Regional School District, Monmouth 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.

Upon review, the Commissioner concurs with the Administrative Law Judge that respondent was not arbitrary, capricious, or unreasonable in determining that student L.C. committed an act of harassment, intimidation, or bullying.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.[1]



COMMISSIONER OF EDUCATION

Date of Decision: October 29, 2026
Date of Mailing: October 30, 2026

[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
OAL DKT. NO. EDU 11709-25
AGENCY DKT. NO. 187-6/25

P.C. ON BEHALF OF MINOR CHILD L.C.,
Petitioner,
v.
MANALAPAN-ENGLISHTOWN REGIONAL SCHOOL DISTRICT BOARD OF EDUCATION,
Respondent.

P.C., petitioner, pro se

Marc G. Mucciolo, Esq., for respondent (The Busch Law Group, attorneys)

Record Closed: July 13, 2026 Decided: August 26, 2026

BEFORE **MICHAEL R. STANZIONE**, ALJ:

STATEMENT OF THE CASE

Respondent upheld a harassment, bullying, or intimidation (HIB) determination, finding that L.C.'s conduct constituted an act of HIB. Should the HIB conclusions stand? Yes. Respondent's determinations are entitled to a presumption of correctness, and

petitioner has not established that the decisions were arbitrary, capricious, or unreasonable.

PROCEDURAL HISTORY

On March 20, 2025, respondent, Manalapan-Englishtown Regional School District Board of Education (Board), upheld a November 19, 2024, finding that L.C.'s actions against another student constituted HIB. On January 23, 2025, petitioner P.C., on behalf of L.C., requested an appeal of the HIB determination. On March 20, 2025, the Board communicated its HIB findings and final decision to uphold the Manalapan-Englishtown Regional School District's (District) determination of a founded act of HIB. On June 16, 2025, petitioner P.C., on behalf of L.C., appealed the Board's decision of March 20, 2025, to the Department of Education (DOE). The DOE transmitted the matter to the Office of Administrative Law (OAL), where it was filed on July 1, 2025, to be heard as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

After several prehearing conference calls, I was advised that respondent would file a motion to dismiss on or about October 10, 2025. After reviewing respondent's motion and petitioner's opposition, I denied the motion on the record prior to the May 6, 2026, hearing.

On May 6, 2026, I held the hearing but kept the record open for the parties to obtain transcripts and provide post-hearing submissions. I closed the record on July 13, 2026.

DISCUSSION AND FINDINGS OF FACT

Based upon a review of the testimony and the documentary evidence presented and having had the opportunity to observe the demeanor and assess the credibility of the witnesses who testified, I **FIND** the following pertinent **FACTS** and accept as **FACT** the testimony set forth below.

1. L.C. attended sixth grade at Pine Brook School (Pine Brook) for the 2024–2025 school year.

2. Julie Szustowicz is the principal at Pine Brook, Dr. Nicole Santora is the superintendent of the District, and Andrew Perez is the District's anti-bullying coordinator.

3. On October 17, 2024, the stepfather of Student Victim contacted the District and alleged that petitioner's son, L.C., committed alleged acts of HIB against Student Victim. R-1.

4. Upon being notified, the District conducted a HIB investigation regarding the allegations. Ibid.

5. On October 23, 2024, the District issued correspondence to petitioner pursuant to Board Policy 5512—Harassment, Intimidation, and Bullying, notifying petitioner of the investigation in accordance with HIB law.

6. The investigation included interviews and written statements by students involved in the allegations, including L.C., Student Victim, and two witnesses. R-2.

7. Student Victim reported that L.C. made comments regarding their inability to read and the need for special education. In an interview on October 22, 2024, Student Victim reported that L.C., about "one month ago," in Social Studies class, made comments toward him such as, "do your work," "you can't read," and "you should be in special ed." In a written statement, Student Victim stated that the comments are "annoying," but that they "don't affect him too much," and that he has "learned how to deal with them." Ibid.

8. Student Witness #1 reported hearing L.C. tell Student Victim that he is "useless" and "not smart enough." Student Witness #2 reported hearing L.C. say that Student Victim "can't read" and is in "small classes." Ibid.

9. During the investigation, L.C. apologized if he "made Student Victim feel bad." He expressed frustration that Student Victim does not participate in group work. Ibid.

10. Following the investigation, the District found that L.C.'s comments toward Student Victim were motivated by the actual or perceived characteristic of "disability." Further, the District found: 1) that the conduct caused a substantial disruption to the school environment for one or more students; 2) that it occurred on school grounds; 3) that it insulted or demeaned a student or group of students; and 4) that a reasonable person should know that the conduct caused emotional harm to Student Victim. Ibid.

11. As a result of the investigation, the District determined that the allegations met the statutory requirements of a founded act of HIB. Ibid.

12. As a result of the founded act of HIB, L.C. received detention as a consequence. The District also provided L.C. with counseling services. Ibid.

13. The HIB investigation was completed on October 29, 2024. Ibid.

14. The findings of the investigation were reported to the Board on November 15, 2024, and affirmed by the Board on November 19, 2024. R-3.

15. The District issued correspondence to petitioner advising her of the founded act of HIB and report to the Board of Education on November 26, 2024. Ibid.

16. On January 23, 2025, petitioner requested an appeal of the HIB determination that resulted in a "founded" act of HIB against L.C. On January 27, 2025, superintendent of schools Dr. Nicole Santora, via e-mail correspondence, notified petitioner that the appeal would be scheduled for the next regularly scheduled Board meeting on February 4, 2025. R-5.

17. On that same date, petitioner responded that she had a previously scheduled medical procedure on February 4, 2025. Thus, she requested that the appeal be moved to the March Board of Education meeting. Dr. Santora replied that the Board had another meeting scheduled for February 18, 2025, and scheduled the HIB appeal accordingly for that date. Ibid.

18. On February 13, 2025, District HIB coordinator Andrew Perez e-mailed petitioner confirming her attendance for the February 18, 2025, HIB appeal. On February 14, 2025, petitioner responded that her mother was in the hospital and asked that the HIB appeal be postponed to the March 2025 meeting. Ibid.

19. On February 14, 2025, Dr. Santora responded to petitioner and stated that although a rescheduled hearing date was not required by State statute, the District was willing to provide an exception under the circumstances. As certain staff members had a conflict for the March 4, 2025, meeting, the appeal was again rescheduled to March 18, 2025. Ibid.

20. On March 15, 2025, petitioner again contacted the District advising that she would not be able to attend the scheduled HIB appeal on March 18, 2025, because her niece was in the hospital. Petitioner did not ask to reschedule the hearing but rather stated that her husband would be in attendance and asked if she could participate virtually. R-6.

21. On March 17, 2025, Dr. Santora responded to petitioner and advised that the Board does not permit parents to appear in executive session virtually. Petitioner reiterated that her husband would be in attendance for the appeal, notwithstanding. Ibid.

22. On March 18, 2025, the Board heard petitioner's appeal in executive session regarding the founded act of HIB against L.C. Petitioner's husband

attended the HIB appeal and read a statement on petitioner's and L.C.'s behalf. R-8.

23. On March 20, 2025, the Board communicated its HIB findings and final decision with respect to the founded act of HIB against L.C. to petitioner. Specifically, the Board upheld the District's determination of a founded act of HIB. Ibid.

DISCUSSION AND CONCLUSIONS OF LAW

The Anti-Bullying Bill of Rights Act (Act), N.J.S.A. 18A:37-13 et seq., is designed "to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying of students that occur in school and off school premises." N.J.S.A. 18A:37-13.1(f). Under the Act, "harassment, intimidation or bullying" (HIB) is defined as:

> [A]ny gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:
>
> a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
>
> b. has the effect of insulting or demeaning any student or group of students; or

> c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
>
> [N.J.S.A. 18A:37-14.]

Each school district must adopt a policy that prohibits HIB and provides for a prompt response to any alleged HIB incident. N.J.S.A. 18A:37-15(a). Once an alleged HIB incident is reported to the school principal, the principal or their designee must initiate an investigation within one school day of receiving the report. N.J.S.A. 18A:37-15(b)(6)(a). A school anti-bullying specialist shall conduct the investigation, which must be completed within ten school days from the date of notification of the incident. Ibid. The results of the investigation shall then be quickly reported to the superintendent of schools, who may take certain remedial action. N.J.S.A. 18A:37-15(b)(6)(b). The results shall also be reported to the board of education "no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent." N.J.S.A. 18A:37-15(b)(6)(c).

Under the Act, the parents of students involved in any alleged HIB incident are entitled to receive information about the nature and results of the investigation. N.J.S.A. 18A:37-15(b)(6)(d). Parents may request a hearing before the board, which must be held within ten days of the request. Ibid. Any hearing shall be held in executive session to protect the identity of any students involved. The board may hear from the anti-bullying specialist regarding the incident, recommendations for discipline or services, and any programs implemented to prevent such incidents. Ibid. The board must issue a decision at the first meeting after receiving the investigation report. The board may affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education. N.J.S.A. 18A:37-15(b)(6)(e).

An action by a board of education "is entitled to a presumption of correctness and will not be upset unless there is an affirmative showing that such decision was arbitrary, capricious or unreasonable." Thomas v. Morris Twp. Bd. of Educ., 89 N.J. Super. 327,

332 (App. Div. 1965), aff'd, 46 N.J. 581 (1966). The Commissioner will not substitute their judgment for that of a board of education, whose exercise of discretion may not be disturbed unless shown to be "patently arbitrary, without rational basis or induced by improper motives." Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). Our courts have held that "[w]here there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached." Bayshore Sewage Co. v. Dep't of Envtl. Prot., 122 N.J. Super. 184, 199–200 (Ch. Div. 1973), aff'd, 131 N.J. Super. 37 (App. Div. 1974). Thus, to prevail, petitioner must demonstrate that the Board acted in bad faith or in utter disregard of the circumstances before it. T.B.M. v. Moorestown Bd. of Educ., 2008 N.J. AGEN LEXIS 67 (February 6, 2008) (citing Thomas, 89 N.J. Super. at 332), adopted, 2008 N.J. AGEN LEXIS 1300 (April 7, 2008).

Against this backdrop, P.C. challenges respondents' determination that L.C. did commit an act of HIB against Student Victim. P.C. contends that respondent erred in its determination that the incidents did not constitute HIB because they failed to prove that L.C.'s conduct was motivated by an actual or perceived distinguishing characteristic. If L.C. did not know the alleged victim had a disability, the District could not reasonably conclude that his comment was motivated by that disability.

Respondent conducted a thorough and prompt investigation. The two student witnesses separately agreed that L.C. had made comments referring to Student Victim's reading ability and small classes. As far as the disruption or interference with the orderly operation of the school on the disruption of Student Victim's education the anti-bullying specialist was able to reach a finding of "substantial disruption" because the comments made by L.C. left Student Victim feeling "distressed," as evidenced by the student interview, and the circling of a "sad" emoji. Although Student Victim did state that they ignored the comments, they eventually expressed concern to their stepfather, leading one to conclude they were uncomfortable and upset with the conduct of L.C. Finally, a reasonable person should know that the comments that L.C. made toward Student Victim would cause emotional harm. A reasonable person should know that such terms targeted at one's ability to read and need for special education are inappropriate, offending, and

would cause harm. I **CONCLUDE** that the actions of respondent in determining that the incident did constitute HIB were not arbitrary, capricious, or unreasonable.

ORDER

Following my conclusions above, I **ORDER** that P.C.'s Petition of Appeal be and hereby is **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. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies**

and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500. A copy of any exceptions must be sent to the judge and to the other parties.

August 26, 2026
DATE



MICHAEL R. STANZIONE, ALJ

Date Received at Agency: _____

Date emailed to Parties: _____

APPENDIX

Witnesses

For petitioner:

P.C.

L.C.

For respondent:

Julie Szustowicz

Andrew Perez

Exhibits

For petitioner:

None

For respondent:

R-1 338 Form

R-2 Investigation Overview

R-3 HIB letter to families

R-5 Appeal letter by parent

R-6 Interview with Victim

R-7 HIB Policy

R-8 Letter affirming HIB