

***Before the School Ethics Commission***  
***Docket No.: C91-23***  
***Decision on Probable Cause***

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**Joy Strehle,**  
***Complainant***

v.

**John R. Baird,**  
**East Greenwich Township Board of Education, Gloucester County,**  
***Respondent***

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**I. Procedural History**

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on December 15, 2023, by Joy Strehle (Complainant), alleging that John R. Baird (Respondent), a member of the East Greenwich Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A. 18A:12-24.1(a)* (Count 1) and *N.J.S.A. 18A:12-24.1(b)* (Count 2) of the Code of Ethics for School Board Members (Code).

On January 8, 2024, Respondent filed a Written Statement, and also alleged that the Complaint is frivolous. On January 31, 2024, Complainant filed a response to the allegation of frivolous filing.

The parties were notified by correspondence dated June 10, 2024, that the above-captioned matter would be discussed by the Commission at its special meeting on June 17, 2024, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on June 17, 2024, the Commission adopted a decision at its meeting on July 23, 2024, finding that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as alleged in the Complaint. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent's request for sanctions.

**II. Summary of the Pleadings**

**A. *The Complaint***

By way of background, Complainant maintains that on October 18, 2023, Respondent posted "hate speech" on the "East Greenwich NJ Community" Facebook page, and also "shared a video about the implementation of a state law at Kingsway High School." Complainant further maintains that Respondent "described transgender[] students as having mental illness," and he

“referenced the [Diagnostic and Statistical Manual of Mental Disorders (DSM V)] as proof that being transgender[] is a mental illness under the diagnosis of Gender Dysphoria.” According to Complainant, Respondent questioned the “rights of school districts to hide ‘mental illnesses’ from parents.” Complainant notes that Respondent’s “interpretation of a diagnostic manual for medical billing purposes violated the rights of students, families and personnel against discrimination of all forms.” Complainant further notes Respondent’s hate speech does not follow the laws and policies against discrimination and he is not promoting “a safe and effective learning environment for students and staff.”

In Count 1, Complainant asserts Respondent posted an inquiry on social media, namely, “what law allows school staff to assist a minor in concealing a mental disorder from their legal guardians?” Complainant opines that this type of statement implies that “students who choose a different name, pronoun, or gender identity are exhibiting mental illness.” Complainant alleges Respondent violated *N.J.S.A. 18A:12-24.1(a)* because he is “demonstrating a distinct bias and/or discrimination against those who are transgender[] by insisting they have a mental illness,” which is a direct violation of “anti-discrimination policies and laws.” In addition, Complainant asserts Respondent’s actions demonstrate he does not want to uphold state law or protect school staff members who are required to uphold such laws.

In Count 2, Complainant asserts that a member of the public posted the statement, “a mental disorder??” I am going to give you the benefit of the doubt and assume you are not referring to a student being trans or questioning his/her gender identity as a ‘mental disorder’ and maybe I misunderstood you!” Complainant further asserts that in response, Respondent posted, “No, you misunderstood nothing. Gender Dysphoria is listed in DSM[] (Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition).” Complainant contends Respondent’s behavior violates *N.J.S.A. 18A:12-24.1(b)* because he “is demonstrating discrimination against a single group of people and labeling them as having a mental disorder based solely on gender identity.”

#### **B. *Written Statement and Allegation of Frivolous Filing***

Respondent argues that Complainant “does not comprehend the definition of ‘hate speech.’” He notes, “[s]haring news regarding a local school district and stating that parents should be aware does not express any hatred.” Respondent further argues that he did not mention transgender students anywhere in his post. Respondent maintains that he did not question the rights of school districts because they are regulated by statute and must follow the laws. He further maintains that local boards of education are responsible for designing the district’s policies.

According to Respondent, Complainant incorrectly believes that a school district has rights and that those “imaginary rights supersede [t]he First Amendment [].” Respondent contends that he did not discriminate against any group or people and Complainant has not provided any evidence to prove otherwise. Respondent defends his statement about “Gender Dysphoria,” noting that he was “unaware of a state law that allowed school employees to

withhold medical information from parents”; however, contends that he did not violate any anti-discrimination policy or laws, and argues that Complainant did not cite any specific law because one does not exist.

As to the post that sought clarification of Respondent’s statement, Respondent maintains he did not reply as Complainant indicated, but rather he posted a link related to Gender Dysphoria. Respondent further maintains that neither he nor anyone else on the Board have made a decision “that jeopardized the educational welfare of children.” According to Respondent, Complainant’s claim that he “discriminated against a single group of people is not evident in the screenshots of the conversation or the thread of comments on the social media post.”

Finally, Respondent asserts that he has a disclaimer on “the top of [his] Facebook Profile in the Biography section, ‘Statements made on this page and in comments are my own.’” Moreover, Respondent indicates the statements were made “from a personally owned device.” Respondent further asserts that Complainant’s “malicious attempt to violate [his] [F]irst [A]mendment rights as a citizen” is frivolous and he notes that the Complaint was filed 48 days after the post was made, “and several weeks since any activity on the thread of comments.”

### ***C. Response to Allegation of Frivolous Filing***

Complainant denies that her Complaint is frivolous and notes that she did not “intend harassment or malicious injury” as she does not even know Respondent. Complainant maintains that although Respondent is entitled to free speech, as a Board member, he “is held to a higher standard of care in terms of discriminatory language concerning community members, in particular students and staff members.” Complainant reasserts that Respondent posted his comments on a community Facebook page, and not his personal social media account.

## **III. Analysis**

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C. 6A:28-9.7*. A finding of probable cause is not an adjudication on the merits but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted. Pursuant to *N.J.A.C. 6A:28-9.7(a)*, probable cause “shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the Act has been violated.”

### ***Alleged Violations of the Act***

Complainant submits that, based on the conduct more fully detailed above, Respondent violated *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(b)*, and these provisions of the Code provide:

a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

***N.J.S.A. 18A:12-24.1(a)***

In Count 1, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24.1(a)* when he commented on social media, “what law allows school staff to assist a minor in concealing a mental disorder from their legal guardians?” because it implies that transgender students are exhibiting mental illness, which violates anti-discrimination policies and laws. Respondent counters that he did not mention transgender students in his post, and that his post, which indicated that he was unaware of a law allowing students to withhold medical information from parents, does not violate any anti-discrimination policy or laws.

Pursuant to *N.J.A.C. 6A:28-6.4(a)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(a)* shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures.

After review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(a)* was violated. Despite being required by *N.J.A.C. 6A:28-6.4(a)(1)*, the Commission finds that Complainant has not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation of the State Board of Education and/or court orders pertaining to schools, or that he brought about changes through illegal or unethical procedures, when he engaged in any of the acts/conduct set forth in the Complaint. Without the required final decision(s), a violation of *N.J.S.A. 18A:12-24.1(a)* is not supported. Consequently, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation of *N.J.S.A. 18A:12-24.1(a)* in Count 1.

***N.J.S.A. 18A:12-24.1(b)***

In Count 2, Complainant contends that Respondent violated *N.J.S.A. 18A:12-24.1(b)* when, in response to a comment questioning his use of the term “mental disorder,” he stated, “No, you misunderstood nothing. Gender Dysphoria is listed in DSM[] (Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition),” which demonstrates discrimination

against a single group of people. Respondent counters that sharing a link related to Gender Dysphoria is not a decision that has jeopardized the educational welfare of children.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(b) shall include evidence that Respondent willfully made a decision contrary to the educational welfare of children, or evidence that Respondent took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.

Following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(b) was violated. Respondent's comment on Facebook and description of gender dysphoria as a mental disorder is not a "decision" or "action," and therefore, is not a decision contrary to the education welfare of students, nor deliberate action to obstruct the programs and policies designed to meet the needs of all children. While Complainant may disagree with Respondent's views, such disagreement does not render his opinion to be an ethics violation. Accordingly, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation of *N.J.S.A.* 18A:12-24.1(b) in Count 2.

#### **IV. Request for Sanctions**

At its special meeting on June 17, 2024, the Commission considered Respondent's request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence that might show that Complainant filed the Complaint in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainant knew or should have known that the Complaint was without any reasonable basis in law or equity, or that it could not be supported by a good faith argument for an extension, modification or reversal of existing law. *N.J.A.C.* 6A:28-1.2. Therefore, at its meeting on July 23, 2024, the Commission adopted a decision finding the Complaint not frivolous, and denying the request for sanctions.

#### **V. Decision**

In accordance with *N.J.S.A.* 18A:12-29(b), and for the reasons detailed herein, the Commission hereby notifies Complainant and Respondent that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as alleged in the Complaint and, consequently, dismisses the above-captioned matter. *N.J.A.C.* 6A:28-9.7(b). The Commission further advises the parties that, following its review, it voted to find that the Complaint is not frivolous, and to deny Respondent's request for sanctions.

The within decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court-Appellate Division. *See, New Jersey Court Rule 2:2-3(a).*

Under *New Jersey Court Rule 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.

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Robert W. Bender, Chairperson

Mailing Date: July 23, 2024

***Resolution Adopting Decision  
in Connection with C91-23***

***Whereas***, at its special meeting on June 17, 2024, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and allegation of frivolous filing, and the response to the allegation of frivolous filing submitted in connection with the above-referenced matter; and

***Whereas***, at its special meeting on June 17, 2024, the Commission discussed finding that the facts and circumstances presented in the Complaint and the Written Statement would not lead a reasonable person to believe that the Act was violated and, therefore, dismissing the above-captioned matter; and

***Whereas***, at its special meeting on June 17, 2024, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

***Whereas***, at its meeting on July 23, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its special meeting on June 17, 2024; and

***Now Therefore Be It Resolved***, that the Commission hereby adopts the decision and directs its staff to notify all parties to this action of its decision herein.

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Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on July 23, 2024.

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Brigid C. Martens, Director  
School Ethics Commission