

EDU #4005-00 and 4805-00 (consolidated)
C # 262-01
SB # 35-01

CHRISTINE KNIGHT AND THE NEPTUNE	:	
TOWNSHIP EDUCATION ASSOCIATION,	:	
	:	STATE BOARD OF EDUCATION
PETITIONERS-APPELLANTS,	:	
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP	:	
OF NEPTUNE, MONMOUTH COUNTY,	:	
	:	
RESPONDENT-RESPONDENT,	:	
	:	
AND	:	
	:	
ERNEST RIZZITELLO AND THE NEPTUNE	:	
TOWNSHIP EDUCATION ASSOCIATION,	:	
	:	
PETITIONERS-APPELLANTS,	:	
	:	
V.	:	
	:	
BOARD OF EDUCATION OF THE TOWNSHIP	:	
OF NEPTUNE, MONMOUTH COUNTY,	:	
	:	
RESPONDENT-RESPONDENT.	:	

Decided by the Commissioner of Education, August 20, 2001

For the Petitioners-Appellants, Klausner and Hunter (Stephen B. Hunter,
Esq., of Counsel)

For the Respondent-Respondent, Hundley and Parry, P.C. (James T.
Hundley, Esq., of Counsel)

The decision of the Commissioner of Education is affirmed substantially for the reasons expressed therein. In so doing, we clarify that the investigation of the incidents

at issue and the disciplinary action were undertaken by the district's administrators, rather than by the Board. We stress, in addition, that there is nothing in the record that would indicate that either of the staff members involved were "in fear of imminent serious bodily injury," N.J.S.A. 2C:12-1, so as to require the Board to conduct a suspension/expulsion hearing under N.J.S.A. 18A:37-2.1 as the result of an assault.

Kathleen A. Dietz abstained.

January 2, 2002

Date of mailing _____