

M.E.T., on behalf of minor child, K.T., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF BERKELEY HEIGHTS,
UNION COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner sought to have the Board pay tuition for K.T. to attend an out-of-district private school, alleging that the District failed to address persistent intimidation, harassment and bullying of her daughter by school administrators and the local police department. The charges stem from the response of the District in the aftermath of a third party call to the Berkeley Heights Police Department regarding the well-being of K.T., following a comment she had written to a friend on Facebook which expressed suicidal thoughts. The Board filed a motion to dismiss because petitioner failed to allege sufficient facts to constitute a cause of action.

The ALJ found that: petitioner failed to allege any particular actions by the school district – which were taken in the context of a police-ordered Division of Youth and Family Services investigation into whether K.T. was in fact at risk of committing suicide – that permit a reasonable inference of harassment, intimidation, or bullying that would establish a claim upon which relief can be granted; petitioner’s allegations that both the police and school administrators harassed K.T., that the District failed to adequately address the harassment, and that K.T. suffers emotional distress when she attends school are not supported by the evidence; there is no factual basis for the cause of action presented by the petitioner for the District to provide tuition payments for K.T. to attend the private Interlochen Arts Academy in Michigan; and the Commissioner does not oversee the police department, and cannot enact a remedy grounded in alleged police harassment. Accordingly, the ALJ granted summary decision in favor of the respondent Board, and dismissed the petition.

Upon a comprehensive review of the record in this matter, the Commissioner agreed with the ALJ that summary decision is appropriately granted to the Board. Accordingly, the Commissioner adopted the Initial Decision as the final decision in this matter, and dismissed the petition.

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.

August 11, 2010

OAL DKT. NO. EDU 13228-09
AGENCY DKT. NO. 231-9/09

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon his comprehensive review, the Commissioner agrees with the Administrative Law Judge – for the reasons clearly presented in his decision – that summary decision is appropriately granted to the Board.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 11, 2010

Date of Mailing: August 11, 2010

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, c. 36 (*N.J.S.A.* 18A:6-9.1).