

G.J., on behalf of minor child, S.J., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF PLUMSTED, :
OCEAN COUNTY, :
RESPONDENT. :

SYNOPSIS

Pro se petitioner challenged the determination of the respondent Board that his son, S.J., was not the subject of acts of harassment, intimidation or bullying (HIB), in violation of the New Jersey Anti-Bullying Act (Act), *N.J.S.A. 18A:37-13 et seq.* Petitioner alleged that his son had been harassed and bullied as a tenth grader by way of a series of internet postings which targeted S.J. The Board and the Ocean County Prosecutor's office conducted an investigation of the postings, but were unable to identify any of the responsible parties. S.J.'s parents were advised by letter in April 2015 of the results of the HIB investigation, and the Board's conclusion that the investigation had not sustained any findings of HIB. Subsequent to an unsuccessful appeal before the Board in November 2015, the petitioner filed the instant matter, which also sought an order compelling the Board to conduct further investigation into the continued harassment of S.F. The Board filed a motion for summary decision.

The ALJ found, *inter alia*, that: there are no genuine issues of material fact in this case, and the matter is ripe for summary decision; the Commissioner will not overturn a decision of a local board unless the action is determined to be arbitrary, capricious or unreasonable; petitioner bears the burden of proof to show that the Board failed to comply with the requirements of the Act; in the instant matter, S.J. was the subject of numerous inappropriate internet communications, the content of which constituted harassment and/or bullying; the Board timely conducted an investigation of the internet postings, including interviews with nine students as well as S.J. and his father; the Board's technology team was unable to identify any parties responsible for the harassing posts; the County prosecutor's office was brought in to conduct their own investigation; again, the responsible parties could not be identified; *N.J.S.A. 18A:37-13 et seq* lays out a board of education's obligations in responding to an HIB complaint; here, undisputed facts indicate that the Board complied with all substantive and procedural requirements of the Act; after both investigations failed to identify the individuals responsible for the internet postings, the Board prepared an HIB report and met with S.J. and his parents to discuss the investigation. The ALJ concluded that the Board followed all hearing and appeal protocols in this matter; accordingly, the petitioner failed to carry his burden to demonstrate that the Board failed to comply with the provisions of the HIB law. The ALJ granted summary decision to the Board, and dismissed the petition.

Upon review, the Commissioner concurred with the ALJ's findings and conclusions. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter for the reasons expressed therein, and the petition of appeal was dismissed.

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.

OAL DKT. NO. EDU 04045-16
AGENCY DKT. NO. 44-2/16

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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 (ALJ) that the Board's decision in connection with S.J. was not arbitrary, capricious or unreasonable, and 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.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 22, 2016

Date of Mailing: November 22, 2016

* 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*).