

New Jersey Commissioner of Education

Final Decision

N.S., on behalf of minor child, S.B.-S.,

Petitioner,

v.

Board of Education of the Kingsway Regional
High School District, Hudson County,

Respondent.

Synopsis

Petitioner appealed the respondent Board’s decision to impose discipline upon her minor son for violating the school district’s code of conduct after he was involved in an altercation with a classmate, specifically challenging the severity of the punishment imposed. The Board filed a motion for summary decision, contending that the Commissioner does not have jurisdiction to hear the appeal; in the alternative, the Board argued that its decision must be upheld because it was not arbitrary, capricious or unreasonable. The petitioner opposed the motion, arguing that the Student Code of Conduct Tier I penalty of four “administrative lunch detentions” would have been a more appropriate punishment than the Tier II penalty of four extended school days which S.B.-S. was assessed for his infraction.

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; pursuant to *N.J.S.A.* 18A:6-9, the Commissioner has jurisdiction to hear all controversies and disputes arising under the school laws; the regulations governing pupil discipline, *N.J.A.C.* 6A:16-7.1-9, specifically address the due process rights of students who are suspended or expelled for code of conduct violations, including the right of appeal to the Commissioner; the regulations do not, however, address this right of appeal for less serious forms of discipline that do not result in removal of the student from the classroom; in the instant case, the Commissioner’s enormously broad jurisdiction over school matters extends to disputes arising under the school laws and regulations governing student conduct and discipline; the Board had a reasonable basis for concluding that S.B.-S. committed a Tier II offense, namely violating the rule requiring students to “Respect the Rights of Others”; the proper procedures were followed in reviewing the discipline imposed upon S.B.-S.; and the petitioner failed to raise any genuine issues of fact to show that the Board’s disciplinary decision was arbitrary, capricious or unreasonable. Accordingly, the ALJ granted summary decision to the Board, and dismissed the petition.

Upon comprehensive review of the record, and for the reasons stated in the Initial Decision, the Commissioner concurred with the ALJ’s determination that the Board did not act in an arbitrary, capricious or unreasonable manner when it imposed a penalty of four extended school days upon S.B.-S. for violation of the Student Code of Conduct. The Commissioner is also in accord with the ALJ’s determination that he has jurisdiction over this matter. Accordingly, the Initial Decision was adopted as the final decision in this matter and the petition 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.

February 25, 2019

New Jersey Commissioner of Education
Final Decision

N.S., on behalf of minor child, S.B.-S.,

Petitioner,

v.

Board of Education of the Kingsway High School
District, Gloucester County,

Respondent.

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 a comprehensive review of the record, and for the reasons stated in the Initial Decision, the Commissioner concurs with the Administrative Law Judge's (ALJ) determination that the Board did not act in an arbitrary, capricious or unreasonable manner when it imposed a penalty of four extended school days upon S.B.-S. as discipline for an incident that involved another student. The Commissioner is also in accord with the ALJ's determination that the Commissioner has jurisdiction over this matter.

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: February 25, 2019
Date of Mailing: February 27, 2019

¹ 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).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDU 07378-18

AGENCY DKT. NO. 90-4/18

N.S. ON BEHALF OF MINOR CHILD S.B.-S.,

Petitioner,

v.

**BOARD OF EDUCATION OF THE
KINGSWAY REGIONAL HIGH SCHOOL
DISTRICT, GLOUCESTER COUNTY,**

Respondent.

N.S., on behalf of minor child **S.B.-S.**, petitioner, pro se

Allan P. Dzwilewski, Esq., for respondent (Weiner Law Group LLP, attorneys)

Record Closed: December 18, 2018

Decided: January 10, 2019

BEFORE **ELIA A. PELIOS, ALJ**:

STATEMENT OF THE CASE

Petitioner N.S., on behalf of her minor son, S.B.-S., appeals respondent, Board of Education of the Kingsway Regional High School District, Gloucester County's (Board) decision to punish him with four extended school days for violating its code of conduct as a result of an altercation he had with a classmate.

PROCEDURAL HISTORY

On April 16, 2018, N.S. on behalf of minor child S.B.-S. filed a petition with the Commissioner of Education challenging the Board's decision. On May 16, 2018, the Board filed an answer to the petition. The matter was transmitted to the OAL as a contested case on May 18, 2018.²

The Board filed a motion for summary decision on September 27, 2018. The Board argues that the Commissioner does not have jurisdiction to hear this appeal. In the alternative, the Board argues that even if this appeal were properly before the Commissioner, the Board's decision must be upheld because it was not arbitrary, capricious, or unreasonable. Petitioner opposed the Board's motion on October 9, 2018.³ Petitioner contends S.B.-S. "could have and should have received" the lesser Tier I (M) offense "General Misconduct" and four "administrative lunch detentions" instead of four extended school days for the Tier II (P) offense. Pet. Brief at p. 2. The Board filed its reply brief on October 22, 2018. Multiple subsequent correspondence was received from both parties and was reviewed, but did not impact the outcome of this decision.

FACTUAL DISCUSSION AND FINDINGS

On January 29, 2018, near the end of drama class at Kingsway Regional High School (Kingsway), the teacher asked S.B.-S., a male student, to collect the props that were used during class. (Informational/Statement form completed by S.B.-S. on January 29, 2018.) A female student was wearing one of those props, a bandana, on her head. S.B.-S. said that when he attempted to remove the bandana, her hair got caught in it. Ibid. He claimed it was accidental, and that he apologized. Ibid. The female student believed that S.B.-S. intentionally pulled her hair. (Disciplinary Referral form). A few minutes later, the female student approached S.B.-S. and slapped him in the face. Ibid. S.B.-S. told her "to get her boyfriend because he wasn't going to fight a girl." Ibid.

² The transmittal form describes the nature of the case as: "Petitioning parent challenges Board's HIB [Harassment Intimidation and Bullying] determination." There is no indication in the record, however, that this matter implicates the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13, et seq.

³ Petitioner did not include an affidavit in her opposition papers.

The teacher, Andrew Young, ordered both students to Kingsway's Assistant Principal's office. (Email from Mr. Young to Ms. Stowman-Burke dated January 31, 2018.) That same day, Assistant Principal Monique Stowman-Burke filled out a "Disciplinary Referral Form" for S.B.-S., charging him with violating the student code of conduct. Kingsway's Code of Conduct, which is part of the Student Handbook, includes a tiered system for imposing discipline (Tiers I, II, III, and IV). Board's Brief, Ex. A. Each Tier lists a number of different offenses (identified by letter) and a corresponding disciplinary action that should be taken (depending on the number of offenses committed). Id. at pp. 41-44.

S.B.-S. was charged with a Tier II (P) offense: "Respect the rights of others [physically, sexually, and verbally (spoken, written or electronic)] including but not limited to hazing, harassment, ridicule, embarrassment, inflammatory statements, slur, and racial/religious comments." Id. at p. 42. For first-time offenders like S.B.-S., the Tier II (P) offense carries discipline of four "extended school days." Ibid. As the name suggests, an "extended school day" means more time in school: instead of being dismissed at regular time, 2:18 p.m., the student must report to a dedicated classroom from 2:30 to 5:30 p.m. Id. at p. 37. This form of discipline is reserved "for students who commit serious infractions" and "for repeat offenders." Ibid.

Assistant Principal Stowman-Burke notified S.B.-S.'s mother (petitioner) of the altercation. The two spoke again by phone the following day, January 30, 2018, and met in person on January 31, 2018. (Letter from petitioner to Dr. Lavender dated February 14, 2018 at pp. 3-4.)

The code of conduct gives students "the right to appeal the discipline decision of a school administrator." Board's Brief, Ex. A at p. 45. The appeal process begins with an informal conference. Ibid. If the matter is not resolved at the conference, the disciplinary decision can be appealed to the assistant principal. Ibid. If the matter remains unresolved, the decision can be appealed to the principal, who must render a written decision. Ibid. The principal's decision can then be appealed to the superintendent, who must also render a written decision. Ibid. Finally, the superintendent's decision can be appealed to the Board, and the Board must "hear the appeal at the next scheduled Board meeting." Ibid.

Petitioner requested a disciplinary appeal hearing, which was held on February 13, 2018. (Letter from petitioner to Mr. Mueller and Ms. Boerlin dated March 11, 2018 at p. 7.) By letter dated February 21, 2018, Kingsway's Principal, Craig Stephenson, upheld the disciplinary decision, finding that S.B.-S. "did commit the violation 'Respecting the Rights of Others' physically when he did pull a hat off another student's head and verbally when he exchanged inappropriate and threatening language with the other student." (Letter from Mr. Stephenson to petitioner dated February 21, 2018.)

Petitioner then appealed that decision to the Superintendent, Dr. James Lavender, who conducted his own investigation, in which he interviewed S.B.-S., the female student, and three other witnesses. (Letter from Dr. Lavender to petitioner dated March 7, 2018.). He found that both students gave "contradictory accounts" of the physical and verbal altercation. Id. at p. 2. S.B.-S. testified that when he removed the bandana from the female student's head, he may have inadvertently pulled her hair. Id. at p. 1. The female student testified that S.B.-S. pulled her hair "so hard that it pulled her over." Ibid. When she confronted S.B.-S. about why he pulled her hair, she said he laughed and she slapped him in the face. Ibid. She also testified that when she turned to walk away, S.B.-S. slapped the back of her head. Ibid.

The Superintendent also found that the witness testimony supported the conclusion that "both students played equal roles in the incident." Id. at p. 2. The first witness testified that S.B.-S. pulled the female student's hair when he grabbed the bandana from her head and she responded by slapping him in the face. Id. at p. 1. That witness also testified that S.B.-S. later pushed and/or grabbed the female student's head. Ibid. The second witness did not see the physical altercation but heard the students yelling at one another. Ibid. The third witness testified that S.B.-S. pulled the female student's hair and she slapped him in response. Ibid. That witness also testified that "both students were loud, disrupted class, and the teacher responded by calling for an administrator to assist." Ibid.

The superintendent also spoke to the school nurse who examined both students. Id. at p. 2. The nurse confirmed the S.B.-S.'s cheek was red from being slapped. Ibid. The nurse

also said that although the female student claimed her head hurt and was noticeably upset, she did not sustain any injuries. Ibid. Based on these findings, the superintendent concluded that “the assistant principal, and principal, has administered the code of conduct correctly.” Id. at p. 2.

Next, petitioner appealed that decision to the Board. (Letter from the Board to petitioner dated March 26, 2018.) The Board held an executive meeting on March 15, 2018, during which petitioner, S.B.-S.’s grandfather, and the superintendent offered testimony and answered questions. (Transcript of executive meeting transcribed by petitioner). By letter dated March 26, 2018, the Board notified petitioner that it had voted on March 22, 2018 to uphold the superintendent’s decision.⁴ Ibid.

On April 13, 2018, petitioner filed a juvenile delinquency complaint against the female student for simple assault in Superior Court, Chancery Division, Family Part, County of Gloucester.

On April 16, 2018, N.S. filed a petition with the Commissioner of Education challenging the Board’s decision. On May 16, 2018, the Board filed an answer to the petition. The matter was transmitted to the OAL as a contested case on May 18, 2018.

The Board filed a motion for summary decision on September 27, 2018. The Board argues that the Commissioner does not have jurisdiction to hear this appeal. In the alternative, the Board argues that even if this appeal were properly before the Commissioner, the Board’s decision must be upheld because it was not arbitrary, capricious or unreasonable. Petitioner opposed the Board’s motion on October 9, 2018. Petitioner contends S.B.-S. “could have and should have received” the lesser Tier I (M) offense “General Misconduct” and four “administrative lunch detentions” instead of four extended school days for the Tier II (P) offense. Pet. Brief at p. 2. The Board filed its reply brief on October 22, 2018.

⁴ S.B.-S. has served one of the four extended school days.

The factual history for purposes of this motion reflects the procedural history of this matter as described above. To the extent it does not appear to be in dispute, the preceding statements are hereby **FOUND** as **FACT**.

LEGAL ANALYSIS AND CONCLUSIONS

Pursuant to N.J.A.C. 1:1-12.5(b), summary decision “may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” This rule is substantially similar to the summary judgment rule embodied in the New Jersey Court Rules, R. 4:46-2. See, Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954). In connection therewith, all inferences of doubt are drawn against the movant and in favor of the party against whom the motion is directed. Id. at 75. In Brill v. Guardian Life Insurance Co., 142 N.J. 520 (1995), the New Jersey Supreme Court addressed the appropriate test to be employed in determining the motion:

[A] determination whether there exists a ‘genuine issue’ of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party. The ‘judge’s function is not . . . to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.’

[Brill, 142 N.J. at 540 (citations omitted).]

The mere existence of disputed facts is not conclusive. An agency must grant a plenary hearing only if material disputed adjudicative facts exist. Bally Mfg. Corp. v. Casino Control Com'n, 85 N.J. 325, 334, 426 A.2d 1000 (1981), App. Div. 454 U.S. 804, 102 S.Ct. 77, 70 L.Ed.2d 74 (1981); Cunningham v. Dept. of Civil Service, 69 N.J. at 24-25, 350 A.2d 58. N.J.S.A. 52:14B-9. Here, the parties do not dispute any material facts. Accordingly, I **CONCLUDE**, that summary decision as a matter of law is appropriate.

As part of this matter, the Board has filed a motion for summary decision, arguing that the Commissioner lacks jurisdiction to review the Board's decision, and in the alternative, that the Board's decision must be upheld because it was not arbitrary, capricious or unreasonable. In opposition, petitioner does not dispute that S.B.-S. should have been disciplined but argues that he should have received a lesser punishment for his role in the altercation.

Generally, the Commissioner of Education has jurisdiction to hear "all controversies and disputes arising under the school laws . . . or under the rules of the State board or of the commissioner." N.J.S.A. 18A:6-9. Under the school laws, a board of education shall "[p]erform all acts and do all things, consistent with law and the rules of the state board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district." N.J.S.A. 18A:11-1(d). The school laws further provide that "[p]upils in the public schools shall comply with the rules established in pursuance of law for the government of such schools, pursue the prescribed course of study and submit to the authority of the teachers and others in authority over them." N.J.S.A. 18A:37-1.

The regulations governing pupil discipline, N.J.A.C. 6A:16-7.1 to -7.9, require boards of education to adopt a code of conduct "that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds" and that includes "[a] description of school responses to violations of behavioral expectations established by the district board of education that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors[.]" N.J.A.C. 6A:16-7.1(a) and (c)(5). Those regulations specifically address the due process rights of students who are suspended or expelled for code of conduct violations, including the right of appeal to the Commissioner. See, N.J.A.C. 6A:16-7.2(c), Short-term suspensions; N.J.A.C. 6A:16-7.3(b), Long-term suspensions; N.J.A.C. 6A:16-7.4(b), Expulsions. However, those provisions do not address a right of appeal to the Commissioner for less serious forms of discipline that do not result in removing a student from the classroom.

The absence of an explicit right of appeal of minor discipline does not necessarily mean that the Commissioner lacks jurisdiction over a petition alleging that a board of education inappropriately punished a student for violating its code of conduct. Instead, the Commissioner has enormously broad jurisdiction over school matters. To the extent the dispute in this matter arises under the school laws and regulations governing student conduct and discipline, I **CONCLUDE** that the Commissioner has jurisdiction to hear this matter.

The question then becomes whether the Board improperly imposed four extended school days on S.B.-S. as punishment for violating the code of student conduct. J.D. and E.D. ex rel. B.D. v. Bd. of Educ. Toms River Reg'l Sch. Dist., EDU 6009-97, Initial Decision (December 29, 1997) adopted, Comm'r (July 8, 1998) <<https://njlaw.rutgers.edu/collections/oal/>>. Indeed, 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).

Turning to the substance of this matter, petitioner does not dispute that S.B.-S. should have been disciplined for his role in the drama class altercation. Rather, petitioner contends that S.B.-S. "could have and should have received" the lesser Tier I (M) offense "General Misconduct" and four "administrative lunch detentions" instead of four extended school days for the Tier II (P) offense "Respect the Rights of Others."⁵ Pet. Brief at p. 2.

Despite this contention, the Board had a reasonable basis for concluding that S.B.-S. violated the Tier II (P) offense "Respect the Rights of Others" and therefore, that disciplinary decision should not be disturbed.

⁵ The Tier I (M) offense is "General misconduct [Including, but no limited to: profanity, loitering, inappropriate physical contact (P.D.A.), disruption to the academic environment and improper use of a hall pass]." Ex. A at p. 41. An "administrative lunch detention" is "typically the primary behavioral intervention used to address most Tier I and Tier II discipline code violations." Id. at p. 36.

Petitioner does not offer much explanation or factual support for her contention. Instead, she primarily argues that the other student in the incident should have been more severely punished. However, parents generally do not have the right to appeal discipline imposed on a student who is not their child. U.K. & G.K. ex rel. D.K. v. Bd. of Educ. of the City of Clifton, 93 N.J.A.R.2d (EDU) 71.

In reviewing the discipline imposed by the Assistant Principal, Kingsway followed the proper procedure outlined in the code of conduct. As mentioned previously, students have “the right to appeal the discipline decision of a school administrator.” Board’s Brief, Ex. A at p. 45. The appeal process begins with an Informal Conference. Ibid. If the matter is not resolved at the conference, the disciplinary decision can be appealed to the assistant principal. Ibid. If the matter remains unresolved, the decision can be appealed to the principal, who must render a written decision. Ibid. The principal’s decision can then be appealed to the superintendent, who must also render a written decision. Ibid. Finally, the superintendent’s decision can be appealed to the board of education, and the Board must “hear the appeal at the next scheduled Board meeting.” Ibid.

At petitioner’s request, a disciplinary appeal hearing was held on February 13, 2018. (Letter from petitioner to Mr. Mueller and Ms. Boerlin dated March 11, 2018 at p. 7.) Following that hearing, the principal upheld the disciplinary decision, finding that S.B.-S. “did commit the violation ‘Respecting the Rights of Others’ physically when he did pull a hat off another student’s head and verbally when he exchanged inappropriate and threatening language with the other student.” (Letter from Mr. Stephenson to petitioner dated February 21, 2018.)

Petitioner then requested that the superintendent review the decision. (Letter from Dr. Lavender to petitioner dated March 7, 2018.) The superintendent conducted an independent investigation in which he interviewed S.B.-S., the female student, and three other witnesses. Id. at p. 1. He found that both students gave “contradictory accounts” of the physical and verbal altercation. Id. at p. 2. S.B.-S. testified that when he removed the bandana from the female student’s head, he may have inadvertently pulled her hair. Id. at p. 1. The female student testified that S.B.-S. pulled her hair “so hard that it pulled her over.” Ibid. When she confronted S.B.-S. about why he pulled her hair, she said he laughed and she slapped him in the face. Ibid. She also testified that when she turned to walk away, S.B.-S. slapped the back of her head. Ibid.

The superintendent also found that the witness testimony supported the conclusion that “both students played equal roles in the incident.” Id. at p. 2. The first witness testified

that S.B.-S. pulled the female student's hair when he grabbed the bandana from her head and she responded by slapping him in the face. Id. at p. 1. That witness also testified that S.B.-S. later pushed and/or grabbed the female student's head. Ibid. The second witness did not see the physical altercation but heard the students yelling at one another. Ibid. The third witness testified that S.B.-S. pulled the female student's hair and she slapped him in response. Ibid. That witness also testified that "both students were loud, disrupted class, and the teacher responded by calling for an administrator to assist. Ibid.

The superintendent also spoke to the school nurse who examined both students. Id. at p. 2. The nurse confirmed the S.B.-S.'s cheek was red from being slapped. Ibid. The nurse also said that although the female student claimed her head hurt and was noticeably upset, she did not sustain any injuries. Ibid.

Based on these findings, the superintendent concluded that "the assistant principal, and principal, has administered the code of conduct correctly." Id. at p. 2. The Board voted to uphold the superintendent's decision on March 22, 2018 after holding an executive meeting on March 15, 2018, during which petitioner, S.B.-S.'s grandfather, and the superintendent offered testimony and answered questions. (Transcript of executive meeting transcribed by petitioner).

Again, petitioner concedes that S.B.-S. should have been disciplined for his role in the incident but disagrees with the type of discipline imposed. But, as has been held before, "disagreement with the punishment given is not enough to overcome the discretion afforded to the Board, even if the punishment was not the most appropriate or effective means of discipline." T.B.M. ex rel. M.M. v. Moorestown Bd. of Educ., EDU 2780-07, Initial Decision (February 6, 2008) adopted, Comm'r (April 7, 2008) <<https://njlaw.rutgers.edu/collections/oal/>>. Here, petitioner has failed to raise any genuine issues of material fact showing that the Board's decision to impose four extended school days on S.B.-S. for violating the code of conduct was arbitrary, capricious, or unreasonable.⁶

⁶ While neither party specifically mentioned the fact that S.B.-S. is a special education student, petitioner included in her papers S.B.-S.' Individualized Education Program (IEP), which indicates that he has been diagnosed with "Adjustment Disorder with Anxiety." Under the State regulations implementing the Individuals with Disabilities Education Act, 20 U.S.C. 1400 to -1482, a school district may, for disciplinary reasons, remove a special education student from the classroom for up to ten days without first determining whether the misconduct was a manifestation of the student's disability. N.J.A.C. 6A:14-2.8. The State regulations further

For this reason, I **CONCLUDE** that the Board's motion for summary decision should be **GRANTED**.

ORDER

The Board's motion for summary decision is **GRANTED**. Petitioner's claim is hereby **DISMISSED**. Hearings in this matter, scheduled for January 14 and 15, 2019, are hereby **ADJOURNED**.

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.

provide that "[s]chool district personnel may, on a case-by-case basis, consider any unique circumstances when determining whether or not to impose a disciplinary sanction . . . for a student with a disability who violates a school code of conduct." *Ibid.* Thus, it does not appear that this matter, which does not involve a removal from the classroom for ten days or more, involves special education issues that are outside of the Commissioner's jurisdiction. Also, while it does not appear that the Board considered S.B.-S.' disability in determining the appropriate punishment, State law provides a school district with discretion to consider a disability in punishing a special education student, and petitioner did not argue here that the Board should have considered S.B.-S' disability.

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, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

January 10, 2019 _____

DATE



ELIA A. PELIOS, ALJ

Date Received at Agency:

Date Mailed to Parties:

nd