

## New Jersey Commissioner of Education

### Final Decision

N.U. on behalf of minor child, M.U.,

Petitioner,

v.

Board of Education of the Town of Mansfield,  
Burlington County,

Respondent.

### Synopsis

In this matter on remand, the petitioner challenged the respondent Board's determination that M.U. committed an act of harassment, intimidation and bullying (HIB) in violation of New Jersey's Anti-Bullying Bill of Rights Act (Act), *N.J.S.A. 18A:37-13 et seq.*, when he told a fellow sixth grader who had recently dyed his hair and gotten a haircut that he looked like Donald Trump. The classmate took offense to the comment, and an HIB investigation ensued, resulting in a finding that M.U.'s conduct constituted HIB. In an April 2020 decision, the Commissioner remanded this matter to the OAL for further proceedings to develop the record in order to determine if the Board's HIB determination was arbitrary, capricious or unreasonable.

On remand, the ALJ found, *inter alia*, that: the Commissioner will not overturn a decision of a local board of education unless it is determined that the action was arbitrary, capricious or reasonable; the HIB investigation herein revealed a single incident in which M.U. stated to another student that his new hair color and style made him look like Donald Trump; the incident occurred on school property; the distinguishing characteristic in this case was the student's recent change to his hair color and style; and the incident interfered with the student's right to be free from negative, verbal attacks. The ALJ concluded that all elements required to establish an act of HIB under the Act were satisfied, and petitioner did not meet her burden of proof that the Board acted in an arbitrary, capricious or unreasonable manner in concluding that M.U.'s actions constituted harassment, intimidation or bullying under the Act. Accordingly, the ALJ issued an Initial Decision dismissing the petition.

Upon review, the Commissioner found that the Board's decision was arbitrary, capricious, and unreasonable because it failed to address one of the criteria necessary to prove an act of HIB. Specifically, there is no documentation of any kind to show that M.U.'s conduct substantially disrupted or interfered with the rights of other students or the orderly operation of the school. Accordingly, the Commissioner concluded that the Board's decision was arbitrary, capricious, and unreasonable because there is no evidence that the Board considered all of the factors required to prove an element of HIB. The Initial Decision of the OAL was reversed, and any reference to HIB shall be removed from M.U.'s student record.

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.

## **New Jersey Commissioner of Education**

### **Decision**

N.U., on behalf of minor child, M.U.,

Petitioner,

v.

Board of Education of the Town of  
Mansfield, Burlington County,

Respondent.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), and the exceptions filed by petitioner pursuant to *N.J.A.C. 1:1-18.4* have been reviewed and considered.<sup>1</sup>

This matter concerns an alleged act of harassment, intimidation, and bullying (HIB) by M.U. The HIB complaint alleged that M.U. had referred to another student as “Donald Trump.” The Board found that M.U. had committed an act of HIB and imposed an in-school suspension. Following a hearing, the Administrative Law Judge (ALJ) concluded that the Board’s decision was not arbitrary, capricious, or unreasonable and dismissed the petition.

In her exceptions, petitioner argues that the Board failed to prove all the elements of HIB. According to petitioner, there is no evidence that the comment M.U. made was related to the alleged victim’s hair – only speculation by the principal that the recent haircut and color were the reason for M.U.’s comment – and therefore it cannot have been reasonably perceived as being motivated by a distinguishing characteristic. Petitioner also contends that there is a lack of evidence that M.U.’s comment substantially disrupted or interfered with the orderly operation of the school or the right of

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<sup>1</sup> The Board did not file a reply to petitioner’s exceptions.

other students. Additionally, petitioner argues that the alleged victim first made a comment to M.U., such that their exchange was a dispute not within the definition of HIB.

Upon review, the Commissioner concludes that the Board's decision was arbitrary, capricious, and unreasonable because it failed to address one of the criteria necessary to prove an act of HIB. The Anti-Bullying Bill of Rights Act (the Act) defines HIB as follows:

[A]ny gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L. 2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;

b. has the effect of insulting or demeaning any student or group of students; or

c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

*N.J.S.A. 18A:37-14.*

Therefore, a finding of HIB requires three elements.<sup>2</sup> First, the conduct must be reasonably perceived as motivated by any actual or perceived enumerated characteristic or other distinguishing characteristic and, second, the conduct must substantially disrupt or interfere with the rights of other students or the orderly operation of the school. The third condition is that one of the three criteria enumerated in the Act regarding the effect of the conduct must also be satisfied. *Wehbeh v. Bd. of Educ. of the Twp. of Verona, Essex County*, Commissioner Decision No. 51-20 (decided February 4, 2020).

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<sup>2</sup> The statute also requires that the conduct take place on school property, at a school-sponsored function, on a school bus, or off school grounds as provided for in *N.J.S.A. 18A:37-15.3*. This element appears to have been satisfied in this matter.

The Commissioner previously issued a decision in this matter, finding that the record at that time did not adequately address all of the factors necessary to determine whether the Board's HIB decision was arbitrary, capricious, or unreasonable. The Commissioner noted that the letter from the principal to petitioner, which was affirmed by the Board, only contained specific information regarding the first factor – that M.U.'s comment was reasonably perceived as being motivated by an actual or perceived distinguishing characteristic.<sup>3</sup> Accordingly, the Commissioner ordered further development of the record.

On remand, the record now includes a copy of the HIB incident report that was completed during the investigation. The report goes a step further than the principal's letter and includes a statement that the effect of M.U.'s comment was that it insulted or demeaned a student. Accordingly, it appears that the Board did make a finding regarding the third HIB criteria listed above. However, there is no documentation of any kind addressing the second criteria – that M.U.'s conduct substantially disrupted or interfered with the rights of other students or the orderly operation of the school. While two of the Board's witnesses testified that the alleged victim shaved his head and felt reluctant to return to school, there is no documentary support for that information or indication that that information was presented to the Board. The victim statement included in the HIB report does not reference either the head shaving or any reluctance to return to school, or any other information that demonstrates that M.U.'s comments substantially disrupted or interfered with the rights of other students or the orderly operation of the school.<sup>4</sup> The Commissioner therefore concludes that the Board's decision was

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<sup>3</sup> The Commissioner did not reach any conclusions regarding the merits of the Board's decision on this factor, but only noted that the record demonstrated that the Board had specifically made a finding regarding this factor.

<sup>4</sup> In another matter, *L.K. and T.K., on behalf of minor child, A.K. v. Bd. of Educ. of the Twp. of Mansfield, Burlington Cty.*, Commissioner Decision No. 318-21, decided December 9, 2021, the petitioners argued that the HIB report and witness testimony included information that was not contained in the interview notes. The Commissioner indicated that individuals completing an HIB investigation are not required to take verbatim notes of their interviews and found that witness testimony was credible even when the information presented in that testimony was not included in interview notes. The distinction between *L.K.* and this matter is that in *L.K.*, the HIB report presented to the board of education included information related to all three criteria necessary to prove an act of HIB, even though some of that information was not included in the underlying interview notes that formed the

arbitrary, capricious, and unreasonable because there is no evidence that the Board considered all of the factors required to prove an element of HIB.<sup>5</sup>

Accordingly, the Initial Decision is reversed, and the decision of the Board finding that M.U. committed an act of HIB is overturned. Any reference to the HIB decision shall be removed from M.U.'s student files.

IT IS SO ORDERED.<sup>6</sup>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 10, 2022  
Date of Mailing: August 10, 2022

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basis for the reports. Here, the HIB report – which is the only documentation available in the record – fails to include any information related to one of the criteria, and the Commissioner is therefore unable to conclude that that information was presented to the Board, rendering its decision arbitrary, capricious, and unreasonable. This conclusion is reached as a matter of law and is unrelated to the ALJ's credibility finding regarding the testimony of the Board's witnesses.

<sup>5</sup> The Commissioner does not reach the question of whether the Board's findings on the other two criteria were arbitrary, capricious, or unreasonable, as its failure to make findings on all necessary factors is sufficient to overturn its decision.

<sup>6</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 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.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDU 09701-20  
AGENCY DKT. NO. 253-9/18  
(ON REMAND FROM EDU 04896-20  
COMMISSION DECISION 231-20R)  
(ON REMAND FROM EDU 16045-18  
COMMISSIONER DECISION 106-20)

**N.U. ON BEHALF OF M.U.,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE TOWN  
OF MANSFIELD, BURLINGTON COUNTY,**

Respondent.

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**N.U.**, on behalf of minor child M.U., petitioner, pro se

**Marc G. Mucciolo**, Esq. appearing for respondent, (Methfessel & Werbel, P.C.  
attorneys)

Record Closed: June 1, 2022

Decided: June 27, 2022

BEFORE **JEFFREY R. WILSON**, ALJ:

**STATEMENT OF THE CASE**

Petitioner, N.U. on behalf of her minor child, M.U., challenges respondent's, Board of Education of the Town of Mansfield, Burlington County's (Board), Harassment Intimidation and Bullying (HIB) determination relative to M.U.

## **PROCEDURAL HISTORY**

The petitioner initially filed a challenge of the Board's HIB determination and requested a hearing before the Office of Administrative Law (OAL). The matter was transmitted to the OAL on November 2, 2018, where it was filed under Docket No. EDU 16045-18, on November 5, 2018, as a contested case. N.J.S.A. 52:14B-1 to 15 and N.J.S.A. 52:14F-1 to 13. The petitioner filed an amended petition with the OAL on February 21, 2019. The Board filed its answer to the amended petition on March 11, 2019. The fair hearing was conducted on March 3, 2020. At the close of the petitioner's case, counsel for the respondent made an oral motion to dismiss the petition. The respondent's motion to dismiss was granted and the order of dismissal was entered on March 10, 2020.

By its Decision No. 106-20, entered April 24, 2020, The New Jersey Commissioner of Education (Commissioner) remanded this matter to the OAL for further proceedings to determine if the Board's HIB determination was arbitrary, capricious, or unreasonable. Decision No. 106-20 reads in pertinent part:

The letter to N.U. from the school's principal<sup>1</sup>, which the Board affirmed in its decision, indicates that the investigation found evidence of the first element (of the HIB Act) that M.U.'s conduct was reasonably perceived as being motivated by another student's distinguishing characteristic. However, the letter does not provide any information regarding the remaining elements required to prove an act of HIB. Nor does the Initial Decision address these elements of the statute.

The Commissioner is mindful that when a local board of education acts within its discretionary authority, its decision is entitled to a presumption of correctness and will not be disturbed unless there is an affirmative showing that the decision was "patently arbitrary, without rational basis or induced by improper motives." Kopera v. W. Orange Bd. Of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). However, in the instant case, the Commissioner cannot determine whether the decision was arbitrary, capricious, or unreasonable based upon the current record.

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<sup>1</sup> Entered into evidence as R-1.

Accordingly, this matter is remanded to the OAL for further proceedings consistent with this decision.

The remand was transmitted to the OAL, under Docket No. EDU 04896-20, where it was filed on April 28, 2020. The parties were advised that a prehearing telephone conference was scheduled for August 26, 2020. Petitioner did not participate in the scheduled prehearing telephone conference and did not contact the OAL to explain why she was unable to do so. Accordingly, the matter was dismissed for the petitioner's failure to appear. The order of dismissal was entered on August 31, 2020.

By its Decision No. 231-20R, entered October 9, 2020, The New Jersey Commissioner remanded this matter to the OAL for further proceedings necessary to reach a determination on the merits.

The remand was transmitted to the OAL, under Docket No. EDU 04896-20, where it was filed on October 15, 2020. The matter was heard virtually on July 19, 2021, and the record remained open for the receipt of transcripts and written summations from the parties until the record was closed on June 1, 2022.

### **FACTUAL DISCUSSION AND FINDINGS**

The following facts of this case are not in dispute; therefore, I **FIND** as **FACT** that in December 2017, M.U. was eleven years old and in the sixth grade. At that time, he approached a fellow classmate, while at school, who had gotten a haircut and bleached a portion of his hair. M.U. told his classmate that he looked like Donald Trump. The classmate took offense to the comment and the incident was reported. A HIB investigation was conducted, and it was determined that M.U.'s conduct towards his classmate constituted HIB.

#### **Testimony**

**Julie Katz** has been employed by the Mansfield Township Board of Education for five years as a school counselor and was appointed to serve as the school anti-bullying



specialist. She is primarily responsible for investigating all allegations of HIB arising in the school and to promote a positive school environment. She also provides individual and group counseling services and chairs the Section 504 Committee.

As part of a HIB investigation, her role is to interview the alleged victim of HIB, interview the alleged perpetrator as well as any witnesses, and collaborate with the principal to make a determination as to whether or not an act of HIB occurred. She first became familiar with M.U. with regard to this incident, in December of 2017, when the victim's parents alerted the District to issues between the student and M.U.

Ms. Katz testified she was aware of the Board policy on bullying, and that she was responsible for investigating the incident and generating a report. Based upon meeting with the victim and his parents, she learned the victim had dyed his hair blonde, and as a result, M.U. referred to him as "Donald Trump."

The first step she took was to interview the victim and find out exactly what happened from his perspective. She then interviewed M.U. and four witnesses who overheard the comment. Once the interviews were complete, she collaborated with the principal, Glenn Kershner, regarding the findings of her investigation and as to whether or not the allegation of HIB was substantiated.

Ms. Katz testified that the determination from her investigation was that M.U. committed HIB against the other student. Specifically, she testified that the comment was related to an actual characteristic of the victim, his hair, and that the comment had an impact on the student as the student stated that he shaved off his blond hair and did not feel safe coming to school. Under the circumstances, Ms. Katz believed a reasonable person should have known that the comments were insulting or would have the effect of being insulting, and that the victim felt insulted and demeaned by the comment.

Ms. Katz testified that her investigation was thorough, and she believed the investigation and its result were proper and that the Board acted appropriately in upholding the recommendation of HIB against M.U. Under the circumstances, Ms. Katz believed the intent of the alleged bully was immaterial to the ultimate determination of

whether or not HIB was founded. Ms. Katz also testified that M.U.'s statements that the victim had made a comment to him, leading up to the "Donald Trump" comment, could not be corroborated by any of the witnesses. Ms. Katz testified that she did not divert in any way from regular policies and procedures (P-1) in investigating this particular HIB incident.

**Glenn Kershner** has been employed by the Mansfield Township Board of Education for thirteen years as the building principal for the grade three through grade six building. He holds a principal certificate, teaching certificate, and school safety specialist certification.

Mr. Kershner stated he first became familiar with M.U. in the fifth grade when M.U. first enrolled in the District. He identified the letter he sent to N.U. regarding the bullying investigation that took place. (R-1.) Mr. Kershner testified he received a phone call from the victim's parents stating the student was being bullied in school and they wanted to meet with him and Julie Katz, the school anti-bullying specialist, to discuss the situation.

Mr. Kershner and Ms. Katz met with the parents of the victim during the 2017-2018 school year. At the meeting, the student's parents and the student identified M.U. as specifically targeting the student in a myriad of ways, including referring to the student as "Donald Trump" as a result of his hair color and style. Mr. Kershner was told the student went home the night that M.U. called him Donald Trump and shaved the blond hair off his head because he was so insulted by the remark.

Mr. Kershner testified there was a list of nine things that M.U. was alleged to have done to the other student, one of which was calling the student "Donald Trump" as a result of his hair color. He spoke to M.U. with regard to each allegation, but only investigated the "Donald Trump" incident as HIB.

Mr. Kershner generally reviews the investigation and notes from Ms. Katz, discusses the findings with her, and then makes a recommendation to the superintendent. In this instance, he did all of those things. He and Ms. Katz agreed M.U.'s conduct was reasonably perceived and motivated by a specific characteristic of the victim, in this case

his hair color and style. He and Ms. Katz agreed that M.U.'s conduct substantially interfered with the victim's rights, specifically that the student shaved off his blond hair and was reluctant to return to school.

Under the circumstances, Mr. Kershner believed a reasonable person would have known that these comments would emotionally harm another student, and that this conduct actually had the effect of insulting and demeaning the other student. As principal, he is responsible for handing out discipline, and that in this case, the discipline for M.U. was a lunch and recess detention.

Mr. Kershner attended the Board meeting in February 2018, where the Board upheld the determination of HIB. Mr. Kershner testified the two students were not friends, and that under the circumstances, the District acted appropriately in timely investigating and fulfilling its responsibilities in addressing the incident.

**Tiffany Moutis** has been employed by the Mansfield Township Board of Education for six years as the school superintendent. Her role relative to allegations of HIB involve presenting the administrative recommendations to the Board of Education for approval or rejection.

She testified that Mr. Kershner and Ms. Katz met with her and reviewed the within investigation. She took the report and recommendations and met with the Board in executive session to discuss the recommendations. The Board determined to uphold the administrative recommendation of HIB against M.U.

N.U. was afforded the opportunity to appear before the Board to state her position regarding the incident, and the Board heard her out. Ms. Moutis identified the letter she sent after the Board meeting, upholding the HIB determination. (R-2.) She also stated that she agreed with the determination, and with the investigation findings as completed by Mr. Kershner and Ms. Katz. Under the circumstances, she believed all steps required were followed correctly.

Credibility is best described as that quality of testimony or evidence which makes it worthy of belief. The Supreme Court of New Jersey considered the issue of credibility in In-re Estate of Perrone, 5 N.J. 514 (1950). The Court pronounced:

Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances.  
[5 N.J. at 522.]

In order to assess credibility, the witness' interest in the outcome, motive or bias should be considered. Furthermore, a trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958.)

When assessing credibility, inferences may be drawn concerning the witness' expression, tone of voice and demeanor. MacDonald v. Hudson Bus Transportation Co., 100 N.J. Super. 103 (App. Div. 1968.) Additionally, the witness' interest in the outcome, motive or bias should be considered. Credibility contemplates an overall assessment of the story of a witness in light of its rationality, internal consistency, and manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718 (9th Cir. 1963.)

Having considered the testimonial and documentary evidence presented and observing the demeanor of Julie Katz, Glenn Kershner and Tiffany Moutis, I accept their testimony to be highly credible. Julie Katz, Glenn Kershner and Tiffany Moutis merely stated that facts as they recalled them, without histrionics or magnification. Their testimony was consistent and corroborated by the documentary evidence. None of these witnesses had an ulterior motive or anything to gain by testifying.

## **LEGAL ANALYSIS AND CONCLUSION**

New Jersey enacted the Anti-Bullying Bill of Rights Act (Act) to “strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying” occurring both on and off of school grounds. N.J.S.A. 18A:37-13.1(f). Definitions relative to adoption of harassment and bullying prevention policies are found in N.J.S.A. 18A:37-14, which states in part:

Harassment, intimidation or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- (a) a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- (b) has the effect of insulting or demeaning any student or group of students; or
- (c) creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student.

Here, the investigation revealed that the single incident of M.U. stating to another student that the student’s new hair color and style made him look like Donald Trump, occurred on school property. The distinguishing characteristic in this case was the student’s recent change to his hair color and style. This incident interfered with the

student's right to be free from negative, verbal attacks. A reasonable should know, under these circumstances, that such a verbal attack would have the effect of emotionally harming the student. Clearly this incident had the effect of insulting or demeaning any student as is evidenced by him cutting his hair and wanting to avoid returning to school.

The petitioner alleges that the HIB investigation was conducted improperly and was incomplete. Petitioner urges this tribunal to conclude that there was no HIB, and that the HIB investigation was conducted improperly and was incomplete therefore the determination should be reversed.

The Board urges this tribunal to conclude that the Board was not arbitrary, capricious or unreasonable in its determination that the HIB investigation was conducted properly and that M.U.'s conduct did constitute HIB.

The Commissioner of Education will not overturn the decision of a local board in the absence of a finding that the action below was arbitrary, capricious or unreasonable. T.B.M. v. Moorestown Bd. of Educ., EDU 2780-07, Initial Decision (February 6, 2008) (citing Thomas v. Morris Twp. Bd. of Educ., 89 N.J. Super. 327, 332 (App. Div. 1965), aff'd, 46 N.J. 581(1966), adopted, Comm'r (April 7, 2008), <<http://njlaw.rutgers.edu/collections/oal/>>. Further, the Commissioner will not substitute his judgment for that of the board of education, whose exercise of its discretion may not be disturbed unless shown to be "patently arbitrary, without rational basis or induced by improper motives." Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). New Jersey courts have held that "[w]here there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached." Bayshore Sewage Co. v. Dep't of Env'tl. Prot., 122 N.J. Super. 184, 199–200 (Ch. Div. 1973), aff'd, 131 N.J. Super. 37 (App. Div. 1974). Thus, in order to prevail, the petitioner must demonstrate that the Board acted in bad faith, or in utter disregard of the circumstances before it.

Here, based on the whole of the credible evidence presented, I **CONCLUDE** that all elements required to establish an act of HIB under the HIB Act have been satisfied. I

**CONCLUDE** that petitioner has not met her burden of proof that the Board acted in an arbitrary, capricious or unreasonable manner in concluding that M.U.'s actions constituted harassment, intimidation or bullying under the Act. Furthermore, I **CONCLUDE** that the petitioner failed to demonstrate that the Board acted in bad faith, or in utter disregard of the circumstances before it.

### **ORDER**

Based on the foregoing, I **ORDER** that the petition be **DISMISSED**.

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.

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.



June 27, 2022

DATE

JEFFREY R. WILSON, ALJ

Date Received at Agency:

Date Mailed to Parties:

JRW/tat



**APPENDIX**

**WITNESSES**

**For Petitioner:**

Kenneth Nwobu

**For Respondent:**

Glenn Kershner

Julie Katz

Tiffany J. Moutis

**EXHIBITS**

**For Petitioner:**

P-1 Mansfield Township Board of Education Policy – Harassment, Intimidation and Bullying

P-2 Email – N.U. to Glenn Kershner, dated February 9, 2018

**For Respondent:**

R-1 Glenn Kershner letter to N.U, dated January 22, 2018; email from N.U. to Glenn Kershner, dated December 11, 2017; email from Glenn Kirshner to N.U., dated December 11, 2017; Glenn Kershner letter to unknown parents, dated, January 22, 2018; HIBster Report, submitted to BOE on January 16, 2018

R-2 Not Admitted into Evidence

R-3 Tiffany J. Moutis letter to N.U., dated February 13, 2018

R-4 Not Admitted into Evidence

R-5 Not Admitted into Evidence

R-6 Not Admitted into Evidence

R-7 Not Admitted into Evidence