108-25
OAL Dkt. No. EDU 09068-24
Agency Dkt. No. 170-5/24

New Jersey Commissioner of Education

Final Decision

Michael Spille,

Petitioner,

v.

Board of Education of the South Hunterdon Regional School District, Hunterdon County,

Respondent.

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

Upon review, the Commissioner agrees with the Administrative Law Judge (ALJ) that the petition of appeal should be dismissed as untimely pursuant to the 90-day rule, *N.J.A.C.* 6A:3-1.3(i). *Kaprow v. Bd. of Educ. of Berkeley Twp.*, 131 *N.J.* 572, 582 (1993). Petitioner has not offered any compelling reason that would warrant relaxation of the 90-day limitation period, and none can be gleaned from the record. Additionally, the Commissioner concurs with the ALJ that petitioner failed to state a claim under the school laws upon which relief could be granted by the Commissioner.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and respondent's motion to dismiss the petition is granted. The petition of appeal is hereby dismissed.

IT IS SO ORDERED.[1]

Kathleen Ehling

ASSISTANT COMMISSIONER OF EDUCATION[2]

Date of Decision: March 27, 2025
Date of Mailing: March 27, 2025

[1] 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.

[2] Pursuant to *N.J.S.A.* 18A:4-34, this matter has been delegated to Assistant Commissioner Kathleen Ehling.

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
DISMISSAL
OAL DKT. NO. EDU 09068-24
AGENCY DKT. NO. 170-5/24

MICHAEL SPILLE,
Petitioner,
v.
SOUTH HUNTERDON REGIONAL SCHOOL DISTRICT BOARD OF EDUCATION, HUNTERDON COUNTY,
Respondent.

Michael Spille, petitioner, pro se

Kerri A. Wright, Esq., for respondent (Porzio, Bromberg and Newman, P.C., attorneys)

Record Closed: February 10, 2025 Decided: March 6, 2025

BEFORE **DEAN J. BUONO**, ALJ:

STATEMENT OF THE CASE

Petitioner Michael Spille (petitioner) alleges that in 2021, the South Hunterdon Regional Board of Education (respondent or the board) improperly engaged in a widespread public relations campaign to influence the voting outcome on a particular district facilities referendum. Respondent argues that petitioner's claims should be dismissed.

PROCEDURAL HISTORY AND FACTUAL DISCUSSION

In 2021, respondent put a contentious referendum question on the November general election ballot for West Amwell, Lambertville, and Stockton, asking whether Lambertville Public School should be renovated and whether a new middle school should be built in West Amwell, all at a total cost of $33,400,000. (Petition of Appeal at 1.) Within his petition, the petitioner references a wide variety of conduct perpetrated by Superintendent Anthony Suozzo (the superintendent) and multiple specific board members, which petitioner feels was improper and in violation of the school laws. (Ibid.)

In essence, petitioner asserts that the superintendent and the board violated both N.J.A.C. 6A:23A-5.2(e) and N.J.S.A. 18A:42-4 when they used public funds to promote a "yes" vote on the referendum, despite a requirement that they remain neutral and refrain from promoting particular positions. (Ibid.) More specifically, petitioner accused them of (a) promoting a "yes" vote via social media posts in a manner that appeared to be an official board member endorsement, (b) putting up lawn signs around town promoting a "yes" vote, (c) setting up a community group to advocate for a "yes" vote, (d) canvassing voters, (e) creating videos promoting a "yes" vote, and much more. (Id. at 1, 5–6, 8–10.)

On election day, the referendum passed by just two votes. (Id. at 17.) Now, roughly three years later, petitioner seeks relief from the Commissioner of Education (Commissioner) for the board's alleged violations of N.J.A.C. 6A:23A-5.2(e) and N.J.S.A. 18A:42-4. While petitioner no longer seeks to invalidate the referendum (as construction pursuant to the referendum vote has since begun), he asks the

Commissioner for the following remedies: (1) removal of Superintendent Anthony Suozzo for his "egregious behavior" during the referendum, (2) censure and/or removal of individual board members at the time of the referendum for their approval and participation in the superintendent's "scheme," and (3) public admonishment of the district for "acting in unison to influence the voting public." (See Petition of Appeal, Relief Requested Section Addendum.)

He also initially stated that "money damages may be appropriate," but has partially retreated from this argument in his opposition brief. (Ibid.) Now, he instead argues that "districts must face concrete penalties for illegal action, up to and including financial penalties to the district." (Petitioner's Brief at 8.) He specifies that he is not seeking money damages for himself but rather is asking that the Commissioner "levy such fines and penalties as they find appropriate" for the board's attempt to defraud the public out of $33.4 million. (Ibid.)

Importantly, the present petition filed with the Commissioner of Education is not Spille's first attempt at litigating the issue of whether the board acted improperly surrounding its alleged efforts to promote a particular voting outcome. Nor is it his second attempt, but rather his third attempt at litigation surrounding the referendum. (Respondent's Brief in Support of Motion to Dismiss at i.)

The petitioner first attempted to invalidate the results of the referendum in Superior Court as one of seventeen plaintiffs. (Respondent's Brief, Ex. B at 3.) In their complaint, the plaintiffs claimed that the board had misused public funds in "a concerted campaign to influence public opinion in support of the referendum." (Respondent's Reply Brief in Support of Motion to Dismiss, quoting In re South Hunterdon Reg'l Sch. Dist. Pub. Question, No. A-3178-21 (Feb 23, 2023).) The trial court dismissed the complaint, explaining that the plaintiffs had failed to state particular facts about board expenditures and their causal impact on the outcome of the referendum. (Respondent's Brief, Ex. B at 18–19.) This decision was appealed, but the Appellate Division affirmed, holding that the trial court's findings were supported by the record. (Ibid.)

The petitioner's second attempt came via a complaint filed with the New Jersey School Ethics Commission (SEC), in which nine individual board members and the board itself were named as respondents. (Respondent's Brief, Ex. C.) In his complaint, petitioner alleged that the board members, in varying combinations, had violated provisions of the School Ethics Act, namely N.J.S.A. 18A:12-24.1(e), (f), and (g), because of their actions surrounding the referendum. (Ibid.) All but one of the eighteen total counts had to do with the "numerous ethics violations committed . . . in connection with the referendum." (Id. at 2.)

There, as here, respondents filed a motion to dismiss, arguing primarily that petitioner failed to allege facts, which, if true, suggested violations of the School Ethics Act by the respondents. (Id. at 8–10.) The SEC, viewing the facts alleged in a light most favorable to petitioner, granted the motion to dismiss, finding petitioner had "failed to plead sufficient credible facts to support a finding" that respondents had violated the School Ethics Act. (Id. at 17.) According to petitioner, this decision is still pending appeal. (Petition of Appeal at 17.)

On May 29, 2024, petitioner filed a petition with the Commissioner of Education, alleging the same facts as were alleged before the SEC. The key difference, however, is the statutory scheme that petitioner says the superintendent and South Hunterdon board members violated. On June 18, 2024, the respondent filed a motion to dismiss and a supporting brief, arguing that the complaint was untimely and barred by various preclusion doctrines, among other things. (See Respondent's Brief.) The matter was transmitted to the Office of Administrative Law, where it was filed on June 27, 2024, as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On October 2, 2024, the petitioner filed a brief opposing the motion to dismiss. (See Petitioner's Brief in Opposition.) The respondent then filed a reply brief on October 21, 2024. (See Respondent's Reply Brief.)

In sum, respondent contends that the present petition must be dismissed because it is barred by the related doctrines of res judicata, collateral estoppel, and the entire controversy doctrine, it is untimely under the ninety-day rule, and because the Commissioner cannot provide the relief sought. (Respondent's Brief at 1.)

First, respondent argues that the present petition is barred by the related doctrines of res judicata, collateral estoppel, and the entire controversy doctrine. (Respondent's Brief at 6.) Specifically, petitioner has already challenged the results of the referendum both in Superior Court and before the School Ethics Commission, and both times, he was unsuccessful. (Ibid.) These matters involved the same respondent, same board members, and same superintendent as are involved in the present matter.

The SEC complaint alleged facts that are "nearly identical" to the present petition, and it was nonetheless dismissed for its failure to plead sufficient credible facts to support a finding that respondent had violated the School Ethics Act. (Id. at 9.) Thus, petitioner is collaterally estopped from relitigating these same issues because they have been "actually determined in a prior action" between the two parties. (Ibid., citing Sacharow v. Sacharow, 177 N.J. 62, 75–76 (2003).)

Similarly, res judicata applies to bar the petition because a previously litigated controversy is "no longer open to relitigation." (Ibid., citing Lubliner v. Bd. of Alcoholic Beverage Control of Paterson, 33 N.J. 428, 435 (1960).) Lastly, pursuant to the entire controversy doctrine, petitioner was required to bring all his claims in a single action before the SEC. (Id. at 10.) Thus, to the extent petitioner seeks to bring new claims that were not brought in the SEC matter, they are now also barred. (Ibid.)

Second, pursuant to the ninety-day rule under N.J.A.C. 6A:3-1.3(i), petitioner was required to file with the Commissioner of Education within ninety days of the election results being certified, and thus the deadline would have been in February 2022. (Id. at 3–4.) Petitioner missed this deadline by more than two years, making his petition untimely. (Id. at 4.) Moreover, while New Jersey regulations permit the rule to be relaxed in exceptional circumstances or where there is a compelling reason to do so, that just does not exist here. (Id. at 5.) Petitioner has had two opportunities to litigate this issue, and it is not as though he only recently became aware of the alleged misconduct he is now referencing in the present petition. (Id. at 5–6.) Rather, "he clearly believed he had a cause of action as early as October 2021." (Id. at 6.)

Third, and finally, the petition should be dismissed because it seeks relief that the Commissioner does not have the power to give. (Id. at 12.) Removal of board members by the Commissioner can only occur in special circumstances,[1] none of which are present here. (Ibid.) Similarly, removal of the superintendent is unsupported by case law, as it has been repeatedly held that actions to remove administrators do not "allege a cause of action under [the] School Law[s]." (Ibid., citing Chiodi v. Eitner, 2017 N.J. AGEN LEXIS 92 at **5–6 (Feb. 13, 2017).) In Chiodi, the Commissioner held that it did not have jurisdiction over actions to remove superintendents brought under the school laws. (Respondent's Brief at 13–14.)

Moreover, public censure of the board for its actions can only be recommended by the Commissioner upon a separate recommendation by the SEC, pursuant to N.J.A.C. 6A:28-1.3(a)(10). (Id. at 13.) Lastly, the Commissioner can only award money damages to cover lost earnings or restore an improperly withheld increment, situations which clearly do not apply here. (Id. at 14, citing F.R. v. Bd. of Educ. of the Twp. of Montville, EDU 47-2/05, Final Decision, (July 21, 2005).) Thus, because petitioner's "requested remedies fall outside of the Commissioner's jurisdiction," they fail as a matter of law and must be dismissed. (Id. at 14.)

Petitioner, meanwhile, contends that he has outlined a clear cause of action seeking relief that is well within the purview of the Commissioner to grant. (Petitioner's Brief in Opposition at 1.) Regarding the preclusion doctrines, petitioner asserts they do not apply, mainly because of the differences in the parties[2] to each case as well as the differences in the procedures used by each forum to settle complaints. (Id. at 4–5.) Moreover, petitioner states that the Superior Court never considered his allegations of misconduct, which "left the door open for future charges to be brought under Title 18A." (Id. at 5.) Concerning the preclusive effect of the SEC matter, he contends that "by

[1] These include a board member (a) having a contract with or claim against the board, (b) being convicted of certain crimes, (c) violating the School Ethics Act (as determined by the SEC), or (d) ceasing to be a resident of the district. (Respondent's Brief at 12.)

[2] Petitioner first argues that the ethics complaint involved different parties, as it only listed eight individual board members as respondents. (Petitioner's Brief in Opposition at 3.) Regarding the Superior Court matter, petitioner states that he was only one of seventeen individuals that challenged the referendum results, and further that the named respondents there were the district and the Board of Elections for Hunterdon County. (Id. at 4.)

law[,] the NJ School Ethics Commission is not equipped to hear general complaints regarding title 18A." (Ibid.)

Regarding the application of the ninety-day rule, petitioner argues that the rule should be relaxed pursuant to N.J.A.C. 6A:3-1.16, as it is necessary here to avoid injustice. (Id. at 1–2.) Namely, "the behavior in question deserves a closer look by the judiciary," as the conduct is "nothing less than an attempt by a school district [to] defraud taxpayers of $33.4 million via false statements, presentations, and illegal actions." (Id. at 3.) For this reason, the ninety-day rule should be considered under this more relaxed standard. Petitioner also argues that because there are present issues with the district's handling of universal pre-K facilities related to the referendum, this conduct ties into the 2021 events, thus making it an "ongoing, connected series of actions" that prevents a definitive ninety-day clock from being established. (Id. at 2.)

Concerning whether the Commissioner can grant the relief sought, petitioner asserts that "some punishment must exist" to discourage this board as well as other boards from taking similar actions in the future. (Ibid.) For petitioner, "districts must face concrete penalties for illegal action," in this case "attempting to defraud the public out of $33.4 million via referendum." (Id. at 6.)

In its reply to petitioner's opposition brief, respondent essentially reasserts the same defenses that it raised in its first brief while also replying to petitioner's new arguments. Regarding the ninety-day rule, whether this is an "ongoing series of events" is irrelevant, as petitioner himself admits to being aware of the alleged misconduct in 2021. (Respondent's Reply Brief at 2.) Even so, he failed to file a petition for more than two years after the deadline, pursuing two other avenues of relief in the meantime. (Ibid.)

Concerning the preclusion doctrines and the present relief sought, respondent reiterates that petitioner is seeking relief that only the SEC has the power to provide him, and he has already sought such relief in the separate SEC matter, which he lost. (Id. at 2–3.) Thus, there is nothing left to be adjudicated that has not already been addressed by the prior Superior Court and SEC matters.

Additionally, respondent asserts it is irrelevant that the two prior matters involved slightly different parties than the present one, as this is legally insignificant for the purposes of these doctrines. (Respondent's Reply Brief at 7.) The entire controversy doctrine requires a party to bring all its claims from one event in a single action against all of the known defendants. (Ibid.) Likewise, res judicata prohibits duplicative litigation against the same or substantially similar parties. (Id. at 8.) Lastly, collateral estoppel prevents a party from relitigating an issue against the same general (but not necessarily identical) parties as were involved in the prior action. (Ibid.)

LEGAL ARGUMENT AND CONCLUSION

In his petition of appeal, the petitioner claims that respondent South Hunterdon Board of Education violated state laws and regulations via its actions surrounding a district-wide referendum on school renovations.

N.J.A.C. 6A:23A-5.2, in relevant part, provides as follows:

> (e) Public relations activities . . . that are not part of the instructional program or do not provide, in a cost-effective way, information about school district or district board of education operations to the public, that are excessive in nature are prohibited. All activities involving promotional efforts to advance a particular position on school elections or any referenda shall be prohibited.
>
> [N.J.A.C. 6A:23A-5.2(e).]

N.J.S.A. 18A:42-4, meanwhile, states in relevant part that

> [n]o literature which in any manner and in any part thereof promotes, favors or opposes . . . the adoption of any bond issue, proposal, or any public question submitted at any . . . election shall be given to any public school pupil in any public school building . . . for the purpose of having such pupil take the same to his home or distribute it to any person outside of said building or grounds . . . .
>
> [N.J.S.A. 18A:42-4.]

Title 18A of the New Jersey Statutes contains what are collectively known as the "school laws." Jurisdiction over disputes arising under the school laws is addressed in N.J.S.A. 18A:6-9, which provides as follows:

> The commissioner shall have jurisdiction to hear and determine . . . all controversies and disputes arising under the school laws, excepting those governing higher education, or under the rules of the State board or of the commissioner. For the purposes of this Title, controversies and disputes concerning the conduct of school elections shall not be deemed to arise under the school laws.
>
> [N.J.S.A. 18A:6-9.]

Meanwhile, the School Ethics Act's implementing regulations cover the jurisdiction of the SEC, providing that

> (a) The [School Ethics] Commission shall have jurisdiction over matters arising under the Act. The [School Ethics] Commission shall not receive, hear, or consider any pleadings, motion papers, or documents of any kind relating to any matter that does not arise pursuant to the Act.
>
> [N.J.A.C. 6A:28-1.4.]

Res judicata, also known as claim preclusion, refers broadly to the common-law doctrine barring relitigating claims that have already been adjudicated. In essence, the doctrine "provides that a cause of action between parties that has been finally determined on the merits by a tribunal having jurisdiction cannot be relitigated by those parties or their privies in a new proceeding." Velasquez v. Franz, 123 N.J. 498, 505 (1991).

Both New Jersey and federal law require three basic elements for application of the res judicata doctrine: (1) the judgment in the prior action must be valid, final and on the merits, (2) the parties in the later action must be identical to or in privity with those in the prior action, and (3) the claims in the second action must arise from the same

transaction or occurrence as the claims in the first one. Federated Dep't Stores v. Moitie, 452 U.S. 394, 398 (1981); In re Energy Coop., Inc., 814 F.2d 1226, 1230 (7th Cir. 1987); Watkins v. Resorts Int'l Hotel & Casino., 124 N.J. 398, 412 (1991).

Next, collateral estoppel, also known as issue preclusion, applies when (1) the identical issue was decided in a prior adjudication, (2) there was a final judgment on the merits, (3) the party against whom the bar is asserted was a party or in privity with a party to the prior adjudication, and (4) the party against whom the bar is asserted had a full and fair opportunity to litigate the issue in question. Bd. of Trs. of Trucking Emps. of N.J. Welfare Fund, Inc. v. Centra, 983 F.2d 495, 505 (3d Cir. 1992).

Lastly, the entire controversy doctrine embodies the concept that "the adjudication of a legal controversy should occur in one litigation in only one court" and that "accordingly, all parties involved in a litigation should at the very least present in that proceeding all of their claims and defenses that are related to the underlying controversy." Cogdell v. Hosp. Ctr., 116 N.J. 7, 15 (1989). The doctrine itself is codified in New Jersey Court Rule 4:30A, which provides:

> Non-joinder of claims required to be joined by the entire controversy doctrine shall result in the preclusion of the omitted claims to the extent required by the entire controversy doctrine, except as otherwise provided by R. 4:64-5 (foreclosure actions) and R. 4:67-4(a) (leave required for counterclaims or cross-claims in summary actions).
>
> [R. 4:30A.]

"The purposes of the doctrine are threefold: (1) the need for complete and final disposition through the avoidance of piecemeal decisions; (2) fairness to parties to the action and those with a material interest in the action; and (3) efficiency and the avoidance of waste and the reduction of delay." DiTrolio v. Antiles, 142 N.J. 253, 267 (1995) (citing Cogdell, 116 N.J. at 15). Where appropriate, the entire controversy doctrine also applies to administrative hearings. City of Hackensack v. Winner, 82 N.J. 1, 31–32 (1980); State v. Gonzalez, 273 N.J. Super. 239, 252 (App. Div. 1994).

New Jersey Administrative Code section 6A:3-1.3(i) provides as follows:

> (i) The petitioner shall file a petition no later than the 90th day from the date of receipt of the notice of a final order, ruling, or other action by the district board of education, individual party, or agency, that is the subject of the requested contested case hearing . . . .
>
> [N.J.A.C. 6A:3-1.3(i).]

While the ninety-day rule is generally applied in a strict fashion, it may be relaxed "under exceptional circumstances or if there is a compelling reason to do so." Snow v. Bd. of Educ. of the Twp. of Moorestown, Burlington Cnty., 2007 N.J. AGEN LEXIS 312, *9 (Apr. 20, 2007). However, such relaxation is rare and should not occur "unless strict adherence to the rule would be inappropriate, unnecessary or where injustice would occur," or if there is "a substantial constitutional issue or other issue of fundamental public interest beyond that of concern only to the parties themselves." Id. at **9–10.

It is questionable whether the equitable doctrines of res judicata, collateral estoppel, and the entire controversy doctrine apply to the instant petition. Petitioner has twice previously challenged the conduct surrounding the referendum, once before the Superior Court, and simultaneously before the School Ethics Commission. However, the specific allegations in those proceedings surrounded elections irregularities and ethical violations. Arguably, the Superior Court could not have ruled on the claims in the current petition, since it alleges violation of the school laws, and the Commissioner has primary jurisdiction over all claims arising under the school laws. N.J.S.A. 18A:6-9. Additionally, the SEC's jurisdiction is specifically limited to claims arising under the School Ethics Act. N.J.A.C. 6A:28-1.4. Thus, it too would have been without jurisdiction to consider the school law violations alleged in the current petition.

Since petitioner did not, and likely could not, have alleged violations of the school laws in the prior proceedings, res judicata, collateral estoppel, and/or entire controversy doctrine may not be appropriate grounds for dismissal. However, as explained below, the petition should still be dismissed.

Despite the above findings, the respondent's motion to dismiss should still be granted because the petition is untimely pursuant to N.J.A.C. 6A:3-1.3(i) and because petitioner has presented no compelling reason to relax the rule's application. The ninety-day clock began running the moment the referendum results were confirmed such that petitioner would have been generally aware of them. This means the clock began to run in what was likely late November and would have reached the ninety-day deadline in February 2022.

Nonetheless, the petitioner instead opted to pursue relief via other avenues, namely the Superior Court (to challenge the referendum outcome itself) and the SEC (seeking to punish board members for their conduct). It was only when he had lost in those matters that he decided to initiate a contested case before the Commissioner, roughly twenty-seven months after the ninety-day clock had expired.

Only a compelling reason could justify relaxing the ninety-day rule so expansively now to permit the present petition. Snow, 2007 N.J. AGEN LEXIS 312 at *9. Here, however, petitioner has failed to present any such reason or highlight how relaxing of the rule would serve to prevent injustice, particularly since he already availed himself of two other forums to challenge the conduct surrounding the referendum and has provided no reason for his failure to timely file the instant claim at that time. Since the petitioner has offered no compelling reason for relaxation and the petition is untimely under N.J.A.C. 6A:3-1.3(i), it should be dismissed.

In addition to being untimely, there is another defect with the petition: the Commissioner of Education is not empowered to remove or reprimand the superintendent or board members pursuant to the statutory or regulatory schemes of which petitioner now asserts there have been violations. In other words, the relief petitioner is seeking is untethered to the statutory and regulatory schemes he references.

First, N.J.S.A. 18A:42-4 itself does not outline any specific remedies for violations thereof, let alone the remedies sought by petitioner. Instead, the statute only provides that no one shall distribute literature that favors or opposes the adoption of any bond

issue to a public-school pupil on school grounds so that they then take the literature home and show it to others, and that the board of education for that district shall prescribe rules to carry out this prohibition. N.J.S.A. 18A:42-4. Here, petitioner does not reference any rules promulgated by the South Hunterdon Regional Board of Education that provide for the relief he is seeking.

Second, and more importantly, the petitioner's reliance on N.J.A.C. 6A:23A-5.2(e) is misplaced, as it does not relate to punishment of board members or superintendents for ethical misconduct. Rather, this subsection is part of a broader regulatory scheme aimed at ensuring the financial efficiency of district boards of education. It is true that subsection 5.2(e) prohibits all activities by a board that promote a particular position on a referendum. N.J.A.C. 6A:23A-5.2(e). However, in the broader context of the regulation, it is apparent that this prohibition is tied to the budget a school board receives each year, essentially serving as one of many guidelines for a board on how to properly use budgetary resources. Much like N.J.S.A. 18A:42-4, subsection 5.2(e) does not list any remedies that can be pursued when the board commits a violation, let alone removal or reprimand of individual board members or the superintendent. There is just no ethics dimension to the regulation.

Instead, the proper statute to rely on for the specific relief sought would be the School Ethics Act, of which petitioner already claimed violations before the SEC. He lost, which may be why he then opted to initiate a contested case with the Commissioner, citing violations of the New Jersey School Laws and their implementing regulations. Since petitioner states the SEC dismissal is pending appeal, that is his best remaining avenue for obtaining the relief he seeks. The present petition should be dismissed.

Having reviewed the parties' submissions in support of and in opposition to the within motion, I **CONCLUDE** that the motion papers in this case support the conclusion that the motion to dismiss must be granted and that Spille's petition must be dismissed.

ORDER

It is therefore hereby **ORDERED** that the South Hunterdon Regional School District Board of Education's motion must be granted and that Spille's petition must be dismissed. It is **FURTHER ORDERED** that this appeal be **DISMISSED**.

I hereby **FILE** this initial decision with the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION,** who by law is authorized to make a final decision in this matter. If the Acting 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 **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

March 6, 2025
DATE

DEAN J. BUONO, ALJ

Date Received at Agency:

Date Mailed to Parties:

DJB/onl