

312-25

OAL Dkt. Nos. 09647-24, 09649-24, 09650-24, and 13245-24 (consolidated)

Agency Dkt. Nos. 159-5/24, 160-5/24, 161-5/24, and 270-8/24

New Jersey Commissioner of Education

Final Decision

Andrew Meehan,

Petitioner,

v.

Board of Trustees of the LEAD Charter School,
Essex County,

Respondent.

The record of this consolidated matter and the Order Granting Summary Decision in Part and Denying Summary Decision in Part of the Office of Administrative Law (OAL) have been reviewed and considered. The Order was submitted to the Commissioner for immediate review, pursuant to *N.J.A.C. 6A: 1:1-12.5(e)*. The parties were advised of their opportunity to file exceptions, but did not do so.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner lacks standing to pursue the claims raised in his petitions regarding child abuse and neglect reporting procedures, state-issued high school diplomas, and electronic communications. The Commissioner further agrees with the ALJ that summary decision regarding petitioner's appeal of his termination is not warranted at this stage of the proceedings.

Accordingly, the Order granting respondent's motion to dismiss Agency Dkt. No. 159-5/24 (EDU 09650-24), Agency Dkt. No. 160-5/24 (EDU 09649-24), and Agency Dkt. No. 161-5/24 (EDU

09647-24) is adopted as the final decision as to those matters, and those petitions of appeal are hereby dismissed. The matter assigned Agency Dkt. No. 270-8/24 (EDU 13245-24) shall continue at the OAL with such proceedings as the parties and the ALJ deem necessary to bring it to closure.

IT IS SO ORDERED.¹



COMMISSIONER OF EDUCATION

Date of Decision: June 23, 2025
Date of Mailing: June 23, 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.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER GRANTING
SUMMARY DECISION IN PART
AND DENYING SUMMARY
DECISION IN PART

OAL DKT. NOS. EDU 09647-24,
09649-24, 09650-24, & 13245-24
AGENCY DKT. NOS. 161-5/24, 160-
5/24, 159-5/24, & 270-8/24

ANDREW MEEHAN,

Petitioner,

v.

**BOARD OF TRUSTEES OF THE LEAD
CHARTER SCHOOL, ESSEX COUNTY,**

Respondent.

Andrew Meehan, petitioner, pro se

Thomas Johnston, Esq., for respondent (Johnston Law Firm, attorneys)

Record Closed: May 1, 2025

Decided: May 20, 2025

BEFORE **ANDREA PERRY VILLANI**, ALJ:

STATEMENT OF THE CASE

Andrew Meehan, a former teacher at LEAD Charter School (LEAD), alleges in three complaints that LEAD took improper action with regard to students (such as encouraging staff to communicate directly with students via personal cell phones), but he alleges no personal harm. Does Meehan have standing to bring these complaints? No. A substantial likelihood of some harm visited upon the petitioner is needed to confer standing. In re Adoption of Baby T., 160 N.J. 332, 340 (1999).

In a fourth complaint, Meehan alleges that LEAD retaliated against him for filing the first three complaints when it terminated his employment. LEAD disputes this material fact and maintains that it terminated Meehan because he sent a threatening text message to a co-worker. Is LEAD entitled to summary decision? No. Summary decision may not be rendered when there is a genuine dispute as to a material fact. See N.J.A.C. 1:1-12.5(b).

PROCEDURAL HISTORY

On May 22, 2024, Meehan filed three complaints with the Department of Education, Office of Controversies and Disputes. In his first complaint (Complaint One), Meehan alleges that LEAD violated N.J.A.C. 6A:16-11.1(a) state-mandated reporting procedures for potentially missing, abused, or neglected children, and he seeks six months of jail time or a fine up to \$1,000 for LEAD's Director of Student Services. In his second complaint (Complaint Two), Meehan alleges that LEAD violated N.J.A.C. 6A:20-1.3, by enrolling students in a GED program for state-issued high school diplomas, and he states he's "[n]ot sure what relief could be done about this particular situation." In his third complaint (Complaint Three), Meehan alleges that LEAD violated N.J.S.A. 18A:36-40, which requires schools to adopt a written policy concerning electronic communications between employees and students, and he seeks investigation of all electronic communications between LEAD employees and students. He also seeks issuance of school cell phones monitored with spyware and placing the school on probation.

On July 11, 2024, the New Jersey Department of Education, Office of Controversies and Disputes, transmitted all three cases as contested cases to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23.

On August 21, 2024, Meehan filed a fourth complaint with the Department of Education, Office of Controversies and Disputes. In his fourth complaint (Complaint Four), Meehan disputes the termination of his employment as a violation of N.J.S.A. 18A:27-10 and N.J.S.A. 18A:27-11.

On September 17, 2024, the New Jersey Department of Education, Office of Controversies and Disputes, transmitted Complaint Four as a contested case to the OAL under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23.

On December 13, 2024, I consolidated all four cases.

On February 13, 2025, LEAD filed a Motion to Dismiss all four of Meehan's complaints. On April 2, 2025, Meehan filed his response. On May 1, 2025, LEAD filed its reply, and I closed the record.

FINDINGS OF FACT

Upon reviewing the four complaints, and treating the allegations contained in them as true, and giving Meehan the benefit of all legitimate inferences that may be drawn from them, I **FIND** the following as **FACT** for purposes of this Motion only:

Complaint One

From 2021 to 2024, Meehan was a high school math teacher at LEAD Charter School in Newark, NJ.

On April 30, 2024, one of Meehan's students spoke to him about problems she was having at home. The student informed Meehan that she wasn't in school for six months because her mother's boyfriend moved in with them, smokes crack and steals their money. The student said that she has young siblings.

The next day, Meehan spoke with the student's case manager, Melissa Toribio. Toribio informed Meehan that the student did not want him to call the Division of Child Protection and Permanency (DCPP) because she did not want to anger her parents.

On May 3, 2024, Meehan contacted DCPP. DCPP informed him that they could not take the case because the student was eighteen years old and an adult. But, DCPP stated that they would take the case on behalf of the siblings if Meehan could provide more information, such as full names of the adults in the household, siblings' names, and dates of birth.

That same day, Meehan asked Toribio to provide more information. She said that Meehan should meet with Tracy Kuhn, Director of Student Services. Kuhn then sent an email to Meehan stating, "Ms. Toribio has brought to my attention you have some concerns with a YP. Please do not report anything to DCPP without meeting with myself and Ms. Toribio first. I will be in at noon to discuss this matter further so we can collectively make the best decision possible..."

Later that day, Meehan, Toribio, and Kuhn met to discuss the matter. According to Kuhn's May 3, 2024 Follow Up Report:

Ms. Kuhn met with Mr. Meehan and Ms. Toribio on 5/3/24 at 12:30 p.m. to collectively speak to the incident and solidify the details. Ms. Kuhn reiterated the importance of following protocol in any significant incident a YP reports to a teacher: 1) notify the AC and then myself, as administrative lead, to guide next steps. Ms. Kuhn reiterated that it is important to put supportive measures in place before making such a call so we know the YP is safe, in the event a call to DCPP escalates a situation and has the potential of placing the YP in more immediate harm/danger...

On May 5, 2024, Meehan sent an email to Kuhn. He stated, in part:

I do not need administrative approval or the social worker's approval for reporting the incident to the State. Whether or not you choose to provide the necessary information to the State is your decision. Mandated reporters are legally required to follow State Laws about reporting abuse and neglect. Failing to make a report is a crime...

Kuhn responded. In her email to Meehan, she stated:

I am very clear on the state mandated reporting Laws. Please let me be very clear that I never stated that a report to DCPD required administrative approval. What I reiterated on Friday was the internal protocol before reporting, which again is notifying the YP, AC and then myself so we can collect the necessary data/incident before reporting. No reporting should be done without these procedures being executed. It's best for us to report as a team...

On May 6, 2024, Kuhn called DCPD. She provided additional information about the student, and DCPD opened the case.

Complaint Two

Each year, LEAD educates thirty-five students who plan to take the GED exam. During his three years at LEAD, Meehan taught GED test prep classes to these students. LEAD receives funding for the students who plan to take the GED.

On April 10, 2024, Meehan contacted the Office of Career Readiness at the New Jersey Department of Education about LEAD's GED students. He called Timothy Giordano, the Coordinator of Adult Education. Giordano then emailed the Director of the Office of Career Readiness, Kathleen Paquette, requesting further investigation:

Mr. Meehan called as he felt something was amiss in being asked to prep students for the GED. I told him that these students, according to our regulations, are to no longer be enrolled in school. The 35 students are still enrolled at LEAD Charter...I'm not sure how they are being reported when they leave school. The school is receiving funds to prepare these students to take the GED...I would ask that this be forwarded to the County Superintendent in Essex to do a further investigation.

Complaint Three

Staff members at LEAD use their personal cell phones to communicate directly with students and guardians. These communications frequently include text messaging.

The LEAD Charter School Employee Handbook contains a written policy on electronic communications between staff and students. Among other things, the handbook states, “[a]ll electronic contacts with students should be through the school’s computer and telephone systems.” Also, “[a]s a general rule, school staff shall not contact students’ cell phones, by voice or text, unless directed to do so by the parent/guardian or student as indicated in writing on the student contact form.”

Complaint Four

On May 10, 2024, Meehan had his annual teacher review meeting. In that meeting, Meehan’s supervisor, Tyler Blackmore, informed him that he received a “partially effective” rating in the category of collaboration. Meehan disagreed with Blackmore’s comments in that category, and he also expressed his disagreement in a follow-up email.

On the same day, LEAD offered to renew Meehan’s contract and Meehan accepted.

On May 13, 2024, Meehan signed the new employment contract for the 2024-2025 school year.

On May 16, 2025, Meehan called and texted a coworker multiple times, including a text at 11:15 p.m., which stated: “...once I submit my documents I will have you explain your personal views on state mandated reporting, using your cell phone to make personal calls to students...I would start looking for a new job. 😞”

On May 21, 2024, Meehan filed Complaint One, Two, and Three against LEAD with the New Jersey Department of Education.

On May 24, 2024, the New Jersey Department of Education emailed Meehan's three complaints to LEAD's Chief Academic Advisor, Shabani Stewart, and requested LEAD's response.

On the same day, Blackmore met with Meehan. He told Meehan that he was required to enter information from the paper copy of Meehan's annual review into a computer program called Schoolmint Grow. Yet, when he did so, Blackmore lowered Meehan's ratings in the categories of collaboration and attendance.

On May 31, 2024, LEAD terminated Meehan's employment. LEAD issued a letter that stated, "your contract offer for the 24-25 school year is rescinded, by reason of your conduct toward a peer which he reasonably found menacing."

CONCLUSIONS OF LAW

Summary decision may be rendered if the papers and discovery, which have been filed, together with any affidavits, show that no genuine issue of material fact exists, and the moving party is entitled to prevail as a matter of law. N.J.A.C. 1:1-12.5(b). The standard governing agency determinations under N.J.A.C. 1:1-12.5 is "substantially the same as that governing a motion under Rule 4:46-2 for summary judgment in civil litigation." Contini v. Bd. of Educ. of Newark, 286 N.J. Super. 106, 121-22 (App.Div.1995). To grant summary judgment, a court or tribunal must ascertain "whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party in consideration of the applicable evidentiary standard, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party." Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 523 (1995).

Complaints One, Two, and Three

The facts viewed in the light most favorable to Meehan are not sufficient to resolve Complaints One, Two, and Three in his favor. Even accepting all of Meehan's allegations as true (e.g., LEAD delayed reporting signs of abuse or neglect of a child to DCPP; LEAD enrolls students who plan to take the GED exam; and LEAD staff members use their personal cell phones to contact their students directly), they do not confer standing on Meehan to bring any claims against LEAD.

The concept of standing in a legal proceeding refers to a litigant's "ability or entitlement to maintain an action before the court." People for Open Gov't v. Roberts, 397 N.J. Super. 502, 508-09 (App. Div. 2008) (quoting Triffin v. Somerset Valley Bank, 343 N.J. Super. 73, 80 (App. Div. 2001)). Whether a party has standing is "a threshold justiciability determination," In re Six Month Extension of N.J.A.C. 5:91-1 et seq., 372 N.J. Super. 61, 85 (App. Div. 2004), neither subject to waiver nor conferrable by consent, In re Adoption of Baby T., 160 N.J. 332, 341 (1999). "[A] lack of standing...precludes a court from entertaining any of the substantive issues for determination." EnviroFinance Grp. v. Envtl. Barrier Co., 440 N.J. Super. 325, 339 (App. Div. 2015) (quoting Baby T., 160 N.J. at 340).

Restrictions on standing apply to those who initiate administrative proceedings before the Commissioner. The Commissioner has clarified through regulation as well as case law that only an "interested person," i.e., one who has standing, may initiate such proceedings. Bedminster Educ. Ass'n v. Bedminster Twp. Bd. of Educ., EDU 6720-05, Comm'r decision (June 16, 2006). "[I]n order to bring a complaint to hear a controversy or dispute arising under the school laws, a person must be an interested party." S.J. v. Mountain Lakes Bd. of Educ., EDU 7081-03, Initial Decision (Oct. 7, 2003).

N.J.A.C. 6A:3-1.2 defines an interested party as "a person who will be substantially, specifically, and directly affected by the outcome of a controversy before the Commissioner." Consequently, a petitioner must show that they will "be affected by the outcome in a direct and meaningful way" before they may proceed in a contested

case. U.K. & G.K. ex rel D.K. v. Clifton Bd. of Educ., 93 N.J.A.R.2d (EDU) 71; Kenwood v. Montclair Bd. of Educ., EDU 8858-81, Initial Decision (Apr. 23, 1982), adopted, Comm'r (June 14, 1982)).

The Commissioner has consistently declined to hear cases brought by petitioners who would not be affected by the outcome in a direct and meaningful way. See, e.g., U.K. & G.K. o/b/o D.K. v. Clifton Bd. of Educ., 93 N.J.A.R.2d (EDU) 73 (Nov. 20, 1992) (parents objecting to discipline of someone else's child); Kenwood v. Montclair Bd. of Educ., EDU 8858-81, Initial Decision (April 23, 1982), adopted, Comm'r (June 14, 1982), aff'd, St. Bd. (Sept. 8, 1982) (concerned citizen seeking to rewrite school attendance policy); Lobis v. Maple Shade Bd. of Educ., EDU 3630-79, Initial Decision (June 11, 1980), adopted, Comm'r (Aug. 11, 1980), aff'd, St. Bd. (Nov. 5, 1980) (parent whose child no longer attended school complaining about quality of education received by remaining students); Delaney v. Woodbridge Bd. of Educ., EDU 382-78, Initial Decision (Dec. 12, 1979), adopted, Comm'r (June 11, 1980) (taxpayer questioning propriety of filling job vacancies); Ricardelli v. Newark Bd. of Educ., EDU 1894-79, Initial Decision (Sept. 26, 1979), adopted, Comm'r (Nov. 16, 1979) (taxpayer challenging legality of school board's decision to transfer personnel); G.G. v. New Providence Bd. of Educ., 1975 S.L.D. 502 (parent of high school graduate challenging attendance policy).

Meehan will not be affected by the outcome of Complaints One, Two, and Three in a direct and meaningful way. Indeed, Meehan will not be affected by the outcome of these complaints at all. The outcome of the complaints will primarily affect LEAD students, and Meehan is not a student. The outcome of the complaints might affect some LEAD employees, but Meehan is no longer a LEAD employee. He will not be harmed by an unfavorable decision or benefit from a favorable decision. Therefore, I **CONCLUDE** that Meehan does not have standing to bring Complaints One, Two, and Three, and they must be dismissed.

Complaint Four

Meehan will be affected by the outcome of Complaint Four in a direct and meaningful way, so he has standing to bring the complaint. In Complaint Four, Meehan challenges his termination from LEAD, and he seeks, “[p]otential restoration to position,” “[f]ront pay,” and “[b]ack pay.” He will clearly benefit from a favorable decision.

Although Meehan has standing to bring Complaint Four, LEAD argues that it prevails on this complaint as a matter of law. LEAD points out that Meehan only alleged violations of N.J.S.A. 18A:27-10, which LEAD complied with, and N.J.S.A. 18A:27-11, which does not apply to Meehan’s situation.

Indeed, LEAD complied with N.J.S.A. 18A:27-10, which requires written notice of reemployment for nontenured teachers by May 15TH each year. More specifically, N.J.S.A. 18A:27-10 states that, “[o]n or before May 15TH of each year, each nontenured teaching staff member...shall receive either...[a] written offer of a contract for employment from the board of education for the next succeeding year...or written notice from the Chief School Administrator that such employment will not be offered.” In this case, Meehan acknowledges that LEAD offered him a contract for reemployment on May 10, 2024, five days before the deadline of May 15th.

Moreover, because LEAD gave Meehan notice of reemployment by May 15, 2024, N.J.S.A. 18A:27-11 does not apply. N.J.S.A. 18A:27-11 states:

Should any board of education fail to give to any nontenure teaching staff member either an offer of contract of employment for the next succeeding year or a notice that such employment will not be offered...then said board of education shall be deemed to have offered to that teaching staff member continued employment...

In this case, LEAD did give Meehan an offer of contract and continued employment but, after that, events transpired that led to his termination.

Meehan's more persuasive argument is that LEAD did not have good cause to terminate his employment under N.J.S.A. 18A:6-30.1. N.J.S.A. 18A:6-30.1 states, "When the dismissal of any teaching staff member before the expiration of his contract with the board of education shall be decided, upon appeal, to have been without good cause, he shall be entitled to compensation for the full term of the contract..." For instance, Meehan argues that LEAD made "arbitrary changes" to his teacher evaluation and "retaliated" against him "for submitting three complaints to the Office of Controversies and Disputes."

Although Meehan does not explicitly argue "good cause" or reference N.J.S.A. 18A:6-30.1, he should be afforded latitude as a *pro se* litigant. See Fullerton v. Bd. of Educ. of the Borough of E. Newark, EDU 09468-22, Initial Decision (January 4, 2023), modified, Comm'r (March 30, 2023), <<http://njlaw.rutgers.edu/collections/oal/>> (Commissioner agreed with the ALJ that a nontenured teacher who was terminated did not properly reference New Jersey school laws but nevertheless remanded the teacher's petition for consideration under N.J.S.A. 18A:6-30.1 because she was a *pro se* litigant).

The parties dispute the material facts surrounding Meehan's termination, including whether he was terminated for good cause. LEAD maintains that it terminated Meehan because he sent a threatening text message to a co-worker. Meehan argues that LEAD retaliated against him for filing Complaints One, Two, and Three with the Department of Education.

Because genuine issues of material fact exist regarding Meehan's termination, I **CONCLUDE** that LEAD is not entitled to summary decision on Complaint Four.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that LEAD's Motion to Dismiss Complaints One, Two, and Three is **GRANTED**, and LEAD's Motion to Dismiss Complaint Four is **DENIED**.

This order granting partial summary decision is being submitted under N.J.A.C. 1:1-12.5(e) for immediate review. This recommended order may be adopted, modified or rejected by **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who/which by law is authorized to make the final decision in this matter. If (title of the agency head) does not adopt, modify or reject this order within forty-five days and unless such time limit is otherwise extended, this recommended order shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this order was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



May 20, 2025

DATE

ANDREA PERRY VILLANI, ALJ

Date Received at Agency:

May 20, 2025

Date Mailed to Parties:

May 20, 2025

sej

APPENDIX

DOCUMENTS RELIED ON:

Petitioner's May 22, 2024 Complaints

Petitioner's August 21, 2024 Complaint

Respondent's February 10, 2025 Brief

Petitioner's March 25, 2025 Brief

Respondent's May 1, 2025 Reply Brief