

**New Jersey Commissioner of Education**  
**Final Decision**

R.W., on behalf of minor child, J.W.,

Petitioner,

v.

Board of Education of the Township of Jackson,  
Ocean County, and Jonathon Siering<sup>1</sup>,

Respondents.

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 concurs with the Administrative Law Judge (ALJ) that petitioner's claims against respondents must be dismissed pursuant to the 90-day rule because the petition was not filed within 90 days of the challenged decision. *N.J.A.C. 6A:3-1.3(i)*; *Kaprow v. Bd. of Educ. of Berkeley Twp.*, 131 N.J. 572, 582 (1993). Moreover, 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, irrespective of the untimely nature of the petition, the Commissioner concurs with the ALJ that Counts I and III must be dismissed for failure to state a claim under the

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<sup>1</sup> The record reflects that Mr. Siering's first name is Justin, not Jonathon as identified by petitioner.

school laws upon which relief may be granted by the Commissioner, and that Count II must be dismissed because it asserts violations of the School Ethics Act, *N.J.S.A.* 18A:12-21 to -34, which fall under the jurisdiction of the School Ethics Commission.

Accordingly, the Initial Decision is adopted as the final decision in this matter, respondents' motion for summary decision is granted, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>2</sup>



COMMISSIONER OF EDUCATION

Date of Decision: July 11, 2025  
Date of Mailing: July 14, 2025

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<sup>2</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**

**SUMMARY DECISION**

OAL DKT. NO. EDU 10606-24

AGENCY DKT. NO. 147-5/24

**R.W., ON BEHALF OF MINOR CHILD,**

**J.W.,**

Petitioner,

v.

**TOWNSHIP OF JACKSON BOARD OF**

**EDUCATION, OCEAN COUNTY, AND**

**JONATHON SIERING,**

Respondents.

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**R.W.**, petitioner, pro se

**Marc H. Zitomer**, Esq., (on the briefs), and **Christopher J. Sedefian**, Esq., (oral argument), for respondents (Schenck, Price, Smith and King, LLP, attorneys)

Record Closed: February 27, 2025

Decided: May 29, 2025

BEFORE **SARAH H. SURGENT**, ALJ:

## **STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

In this matter involving an allegation of academic dishonesty, petitioner, R.W., on behalf of his minor child, J.W., filed a petition with the New Jersey Department of Education (DOE) on May 18, 2024, alleging that honors physics teacher Jonathan<sup>1</sup> Siering (Siering): (1) violated J.W.'s due process rights under N.J.A.C. 6A:3-1.4 by not providing a "fair hearing"; (2) committed educational negligence and an ethical breach under the School Ethics Act (SEA), N.J.S.A. 18A:12-24, by "prematurely impos[ing] disciplinary measures without a comprehensive review or adequate factual basis;<sup>2</sup> and (3) performed an inadequate investigation of the alleged academic dishonesty."

As for relief sought, R.W. states:

We hereby respectfully petition for a comprehensive and impartial investigation into the allegations against Mr. Jonathon Siering, conducted in accordance with the procedural safeguards outlined in N.J.A.C. 6A:3. Should the investigation substantiate the claims of procedural misconduct and ethical violations, we insist on the imposition of appropriate disciplinary measures against Mr. Siering, commensurate with the gravity of the infractions, as delineated under New Jersey's School Ethics Act (N.J.S.A. 18A:12-24). Furthermore, we demand the annulment of all academic sanctions previously levied against [J.W.] and request corrective actions that realign the district's disciplinary protocols with statutory mandates and educational best practices. This realignment should ensure a transparent, fair, and consistent approach in handling all future allegations of academic dishonesty, thereby upholding the integrity of the educational process and safeguarding student rights.

**Additionally, [J.W.] should receive a corrected grade for the [honors physics] assignment, which should NOT be recorded as "0" since the unfair "deal" offered by Mr. Siering was not accepted by [J.W.].**

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<sup>1</sup> Respondents' counsel explained that Mr. Siering's first name is actually Justin, not Jonathan, as captioned.

<sup>2</sup> On April 1, 2024, R.W. filed his petition with the School Ethics Commission (SEC), one count of which is being held in abeyance pending the outcome of this matter. On April 3, 2024, R.W. was advised by the SEC that the other two counts of his petition were not within the SEC's jurisdiction. R.W. then filed his petition with the DOE on May 20, 2024, which was deficient, and refiled on June 3, 2024.

[Petition of Appeal to DOE, dated May 18, 2024) (bold in original.)

On June 24, 2024, respondents Township of Jackson Board of Education (BOE) and Siering filed a motion to dismiss the petition in lieu of an answer with the DOE, pursuant to N.J.A.C. 6A:3-1.5(g). The BOE and Siering maintain that the petition must be dismissed because: (1) R.W.'s petition is time-barred under N.J.A.C. 6A:3-1.3(i), as it was filed well in excess of ninety days beyond the district Superintendent's last email to R.W. on February 9, 2024, declaring the topic closed, and thus the petition was due no later than May 9, 2024; (2) R.W. failed to state causes of action in petition counts I and III upon which relief can be granted; and (3) the New Jersey Commissioner of Education (Commissioner) does not have jurisdiction to adjudicate the alleged violations of the SEA in Count II.

On July 8, 2024, R.W. filed his opposition to respondents' motion claiming: (1) the petition was timely because the Superintendent's February 9, 2024 email declaring the topic closed "did not represent receipt of 'notice' of a 'final order, ruling, or other action,'" notwithstanding the district's non-responses to R.W.'s subsequent communications about the topic; (2) the Commissioner has jurisdiction to adjudicate this matter under N.J.S.A. 18A:6-9; and (3) counts I and III of the petition are viable because causes of action are "suggested" by the facts and [o]nce the Petition is searched in depth and liberality, it should become clear and apparent that the fundamental of a cause of action may be gleaned even from an obscure statement of claim and Petitioner should be given an opportunity to amend said Petition if necessary."

On July 23, 2024, respondents filed a reply to R.W.'s opposition to the motion to dismiss, asserting that: (1) the Superintendent's email was crystal clear that the exchange on the topic was closed, and R.W.'s subsequent attempts to negotiate which were not responded to by the district did not toll the statute of limitations; (2) again, the Commissioner does not have jurisdiction over SEA matters, which are reserved for the

SEC; and (3) R.W. “has not presented any factual allegations which would support a claim, even if the Amended Petition<sup>3</sup> is read liberally.”

On July 24, 2024, the DOE transmitted the matter to the Office of Administrative Law (OAL) to be heard as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. On November 21, 2024, respondents filed an objection to R.W.’s August 24, 2024 reply brief in response to respondents’ July 23, 2024 reply brief, which respondents did not receive until November 20, 2024. Respondents also objected to R.W.’s November 21, 2024 submission entitled “Who is [J.W.].” I sustained both objections, and do not consider those documents in my deliberations.

Respondents requested oral arguments on the motion to dismiss, which were heard on February 27, 2025, with R.W. appearing pro se. R.W. claimed at oral arguments that he had also filed a Hate, Bullying, and Intimidation (HIB) complaint, and that the District’s response was slow, but he conceded that is not part of this case, and is irrelevant, because that claim was not included in his present petition against respondents. The District ultimately dismissed the HIB complaint as unfounded.

R.W. also conceded that he received final notice that the matters raised in his petition was conveyed by the Superintendent’s February 9, 2024 email declaring the topic closed. He conceded that his May 20, 2024 petition was clearly out of time, but claimed that he was trying to “be nice to the District” by not taking legal action through an attorney. R.W., a physician, thus conferred with attorneys but elected not to retain them and took full “responsibility” for his pro se legal errors.

As to failure to state a claim upon which relief can be granted on counts I and III of the petition, R.W. argued that the District’s policy should be “revisited and upheld.” R.W. claimed that the District’s and Siering’s “policies” were “unfair,” and that there was no “true justice,” because J.W. was not allowed to represent herself, notwithstanding offers to allow her to do so, because she “felt uncomfortable and threatened by the teacher,”

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<sup>3</sup> R.W.’s “Amended Petition” dated June 3, 2024 is identical to his original petition dated May 18, 2024, which was originally rejected by the DOE for filing deficiencies.

notwithstanding that she was an Advanced Placement student. J.W. did not explain which “policies” he was referring to.

### **LEGAL ANALYSIS AND CONCLUSIONS**

While the Uniform Administrative Procedure Rules (UAPR) governing motions, N.J.A.C. 1:1-12.1 to -12.7, do not specifically limit the types of motions that may be made in administrative hearings or otherwise preclude a “motion to dismiss,” the more common method for resolving a case on the papers without a plenary hearing is by a motion for summary decision pursuant to N.J.A.C. 1:1-12.5.

Under N.J.A.C. 1:1-12.5, “[a] party may move for summary decision upon all or any of the substantive issues in a contested case.” N.J.A.C. 1:1-12.5(a). Such a motion “shall be served with briefs and with or without supporting affidavits” and “[t]he decision sought 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.” N.J.A.C. 1:1-12.5(b). However, a motion for summary decision shall be denied if, by responding affidavit, an adverse party “set[s] forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding.” Ibid.

Summary judgment is analyzed in accordance with the principles established by the Supreme Court in Brill v. Guardian Life Ins. Co., 142 N.J. 520, 540 (1995):

[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 factfinder 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.”

[Ibid. ; See also Nat’l Transfer, Inc. v. N.J. Dep’t of Env’tl. Prot., 347 N.J. Super. 401, 408–09 (App. Div. 2002).]

R.W. offered no cogent legal arguments either in his opposition brief or in oral arguments. The gist of his argument is “it’s not fair.” The BOE, however, thoroughly briefed and argued its motion, and I adopt their arguments in their entirety.

### **The Entire Petition is Time-Barred**

N.J.A.C. 6A:3-1.3(i) requires a petitioner to “file a petition no later than the 90<sup>th</sup> 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.” In Kaprow v. Board of Education of Berkeley Township, 131 N.J. 572 (1993), the New Jersey Supreme Court held that the Commissioner and the State Board of Education have the authority to establish a time limitation for the resolution of disputes arising under the school laws and addressed the public policy reasons behind the ninety-day rule:

The limitations period provides a measure of repose, an essential element in the proper and efficient administration of the school laws. It stabilizes the relationship between the teachers and the administration. [ . . . ] The limitation period gives school districts the security of knowing that the administrative decisions regarding the operation of the school cannot be challenged after ninety days.

[Id. at 582.]

According to Kaprow, the notice requirement set forth in the regulation should accommodate the dual purposes of the ninety-day limitations period:

The first is to stimulate litigants to pursue a right of action within a reasonable time so that the opposing party may have a fair opportunity to defend, thus preventing the litigation of stale claims. The second purpose is “to penalize dilatoriness and serve as a measure of repose” by giving security and stability to human affairs.

[Id. at 587 (citations omitted).]



See also Kous. v. Old Bridge Twp. Bd. of Educ., Middlesex County, et al., Agency Docket No. 26-2/12, aff'd, Commissioner (2012) (“Time-bars in litigation before the Commissioner are promulgated for a reason and are uniformly enforced. These time limitations are strictly enforced—at times to the detriment of a litigant filing an action two days too late.”); Coles v. Bayonne Bd. of Educ., 2008 N.J. Super. Unpub. LEXIS 2593 (“The 90-day rule for petitions to the Commissioner has been strictly construed.”).

By R.W.’s own admission and even accepting all of R.W.’s allegations as true, his petition is time-barred. See Petition at 3–6, where R.W. identifies the purported timeline of relevant events. Based on R.W.’s own reported timeline and giving him every benefit of the doubt by using the latest possible date in that timeline as to when the statute of limitations began to run on February 9, 2024, R.W. would have been required to file the petition by May 9, 2024. However, he did not attempt to file the petition until May 20, 2024, which was deficient, and was then re-submitted on June 3, 2024. There are also no circumstances which would justify relaxing the ninety-day rule.

Although R.W. argues in his opposition brief that the petition was not time-barred because the Superintendent’s February 9, 2024 email to him did not constitute a final determination even though it clearly stated that the matter was closed, R.W. continued to attempt to negotiate with the District, notwithstanding its “unresponsiveness.” That is not a basis for tolling the statute of limitations. It is well-established that “[t]he ninety-day time period for filing a petition is not tolled by an individual’s attempt to resolve the issue through negotiation.” Snow v. Bd. of Educ. of Twsp. of Moorestown, Burlington Cnty., Agency Docket No. 255-7/06 (Initial Decision 2007), aff'd, Comm’r (citing Kaprow, 131 N.J. at 588). Accordingly, I **CONCLUDE** that the petition is time-barred and must be dismissed.

### **Counts I and III of the Petition Must be Dismissed for Failure to State Claims Upon Which Relief May be Granted**

R.W. claims in his first “allegation of misconduct:”

Violation of Due Process (N.J.A.C. 6A:3-1.4): Mr. Siering’s actions in handling the accusations against [J.W.] notably

failed to meet the procedural standards mandated by New Jersey's educational statutes. By not providing a transparent and equitable process, Mr. Siering breached the provisions of N.J.A.C. 6A:3-1.4, which specifically requires that all students accused of violations such as academic dishonesty receive a fair hearing where they can contest the allegations and present a defense.

[Petition at 1–2.]

Similarly, he claims under the third “allegation of misconduct,” that “[t]he investigation into the alleged academic dishonesty was cursory at best, lacking in depth and dismissive of critical exculpatory evidence that [J.W.] had not intentionally shared her work for copying purposes. Such oversight is in direct violation of procedural fairness and does not align with the investigative rigor required by educational law.” Id., at 2.

Pursuant to N.J.A.C. 6A:3-1.10, “the Commissioner may dismiss the petition on the grounds that the petitioner has advanced no cause of action, even if the petitioner’s factual allegations are accepted as true.” R.W.’s contention that respondents violated N.J.A.C. 6A:3-1.4 does not form the basis for a cause of action because that regulation pertains simply to the formatting requirements for petitions of appeal. The regulation does not “require that all students accused of violations such as academic dishonesty receive a fair hearing where they can contest the allegations and present a defense,” as alleged by R.W. Petition at 2. The regulation also does not identify any investigative requirements that school districts must follow when analyzing issues pertaining to academic dishonesty or violations of class requirements. Ibid.

R.W. does not cite to any other statute or regulation which provides the basis for a cause of action, nor are respondents or this Tribunal aware of any such legal requirements. The substance of R.W.’s allegations pertain to Siering’s handling of an academic dishonesty/class guideline matter involving J.W. and the grade that he assessed her for the related assignment. R.W. alleges, in sum, that the District did not “adher[e] to the requisite investigatory protocols mandated by education law,” that “Siering’s actions . . . failed to meet the procedural standards mandated by New Jersey’s educational statutes,” and that “[b]y not providing a transparent and equitable process, Mr. Siering breached the provisions of N.J.A.C. 6A:3-1.4, which specifically require that

all students accused of violations such as academic dishonesty receive a fair hearing where they can contest the allegations and present a defense.” Petition at 1–2.

N.J.A.C. 6A:3-1.4 provides, in relevant part:

**(a)** A petition shall include the name, address, telephone number, and, if available, email address of each petitioner; the name, address, telephone number, and, if available, email address of each party respondent; a statement of the specific allegation(s) and essential facts supporting the specific allegation(s) that have given rise to a dispute pursuant to the school laws; the relief petitioner is seeking; and a statement of verification or certification in lieu of affidavit for each petitioner. The petition should also cite, if known to petitioner, the section(s) of the school laws under which the controversy has arisen. A petition should be presented in substantially the following form:

. . . . [form omitted]

**(b)** A petition submitted by a pro se petitioner that substantially includes the requisite information as set forth in (a) above shall be accepted for filing notwithstanding that the petition does not conform to the prescribed technical format. However, where a petition does not meet minimal standards regarding parties, allegations, or relief sought, the petitioner shall be sent a letter noting the date of the submission’s receipt and identifying the deficiencies deemed to constitute substantial noncompliance. The matter will not be filed until the noted deficiencies are corrected.

**(c)** Any party to a controversy or dispute before the Commissioner who is a party to another action before any other administrative agency, arbitration proceeding, or court involving the same or similar issue of fact or law shall indicate the existence of such action or complaint within the petition of appeal or the answer to the Commissioner, as may be appropriate. Failure to so certify may be deemed to be sufficient cause for dismissal of the petition of appeal when, in the judgment of the Commissioner and/or the ALJ, such failure results in the duplication of administrative procedures for the resolution of a controversy or dispute.

**(d)** Whenever such duplicate filing is discovered, and after the filing of the answer by the respondent, the case will be transmitted to the OAL for initial determination of which

agency, if any, has the predominant interest in the outcome of the case.

[N.J.A.C. 6A:3-1.4.]

The regulation does not “require that all students accused of violations such as academic dishonesty receive a fair hearing where they can contest the allegations and present a defense,” nor are respondents aware of any other statute or regulation which requires a hearing every time a student is accused of academic dishonesty or violation of a class guideline. That would be a local policy decision. There are specific circumstances where school districts are required to hold hearings, such as in instances of short-term suspensions,<sup>4</sup> long-term suspensions,<sup>5</sup> expulsions,<sup>6</sup> HIB matters,<sup>7</sup> and due process hearings for students with disabilities.<sup>8</sup> R.W. has not alleged that any of these circumstances apply to J.W. He also does not allege that he requested a HIB hearing and was denied the same. Rather, he simply alleges that his daughter “was wrongfully implicated by . . . Siering in a case of academic dishonesty, based on accusations of submitting lab reports that were identical to those of her classmates,” and that Siering “initiated punitive actions against [J.W.] without adhering to the requisite investigatory protocols mandated by education law, effectively circumventing the established due process rights owed to [J.W.]” Petition at 1. However, there are no “requisite investigatory protocols mandated by education law” in such circumstances. In other words, there is no basis in law to allege that the District was required to hold a hearing in this matter, or that Siering was required to follow any specifically enumerated “investigatory protocols.” Therefore, even accepting all of R.W.’s alleged facts as true for the purpose of this motion, counts I and III of the petition must be dismissed for failure to state a cause of action.

Although R.W. argues that “a Court must determine the adequacy of the pleading and decide whether a cause of action is ‘suggested’ by the facts,” (Pb at 5), “a dismissal is mandated where the factual allegations are palpably insufficient to support a claim upon

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<sup>4</sup> See N.J.A.C. 6A:16-7.2(a)(2).

<sup>5</sup> See N.J.A.C. 6A:16-7.3(a)(2).

<sup>6</sup> See N.J.A.C. 6A:16-7.4(a)(1).

<sup>7</sup> See N.J.A.C. 6A:16-7.7(a)(xi).

<sup>8</sup> See N.J.A.C. 6A: 14-2.7.

which relief can be granted.” Rieder v. State, 221 N.J. Super. 547, 552 (App. Div. 1987). As articulated by the BOE, R.W. has not presented any factual allegations which would support a claim, even if the petition is read liberally. At most, R.W. alleges ethics violations which are within the purview of the SEC, not the Commissioner.

Accordingly, I **CONCLUDE** that counts I and III of the petition must be dismissed for failure to state claims upon which relief can be granted.

**Count II of the Petition Must Be Dismissed Because the DOE Commissioner Does Not Have Jurisdiction Over SEC Matters Arising Under the New Jersey School Ethics Act**

Pursuant to N.J.A.C. 6A:3-1.10, “upon motion to dismiss filed in lieu of answer, the Commissioner may dismiss the petition . . . for lack of jurisdiction.” R.W. alleges that “[i]n his dealings with [J.W.], Mr. Siering transgressed the ethical standards enshrined in New Jersey’s School Ethics Act (N.J.S.A. 18A:12-24).” Petition at 2. Petitioner “insist[s] on the imposition of appropriate disciplinary measures against Mr. Siering, commensurate with the gravity of the infractions, as delineated under New Jersey’s School Ethics Act (N.J.S.A. 18A:12-24).” Ibid.

However, it is well-established that the Commissioner does not have jurisdiction to adjudicate claims arising pursuant to the New Jersey SEA, which are reserved for the New Jersey SEC. See, e.g., Coyle v. Bd. of Educ. of Jersey City, Hudson Cnty. and Jersey City Educ. Ass’n, 2019 N.J. AGEN LEXIS 646 (Sept. 10, 2019), where the petitioner “allege[d] certain violations of the School Ethics Act.” The respondent moved to dismiss the petition, and the Honorable Thomas R. Betancourt, ALJ, stated that “[t]he threshold question in this matter is . . . one of jurisdiction: Does the Commissioner, and therefore, the OAL, have jurisdiction to consider the petition herein?” Judge Betancourt determined that the answer was definitively “no”:

The answers to both questions clearly [are] no. The Commissioner, and therefore the OAL, does not have jurisdiction as the claims set forth in the petition all hinge upon alleged violation[s] of the School Ethics Act, N.J.S.A. 18A:12-

21, et seq. The proper venue for the within matter would be the School Ethics Commission (SEC). N.J.S.A. 18A:12-27.

The Commissioner affirmed Judge Betancourt's initial decision, stating, in relevant part: "Upon review, the Commissioner agrees with the ALJ that he does not have jurisdiction over this matter as the claims set forth in the petition do not arise out of New Jersey School Law as required by N.J.S.A. 18A:6-9; instead, they involve alleged violations of the School Ethics Act." Coyle, 2019 N.J. AGEN LEXIS 1122 (Dec. 3, 2019). See also Zywicki v. Bd. of Educ. of Mount Olive, Morris Cnty., 2024 N.J. AGEN LEXIS 220 (Feb. 20, 2024) (holding that:

"[w]hile the Commissioner of Education has jurisdiction over 'all controversies and disputes arising under the school laws,' it is also clear that jurisdiction over School Ethics matters belongs with the School Ethics Commission (i.e., that ethics matters are to be initiated by a complaint filed with the S.E.C., not with the Commissioner, and then the S.E.C. decides the threshold issue of probable cause).

....

Since it is clear that Zywicki himself has characterized this matter as an ethics matter, it follows that pursuant to N.J.S.A. 18A:12-28 and 29, jurisdiction lies with the S.E.C., rather tha[n] the Commissioner of Education.")

Similarly, in this case R.W. himself characterizes count II of his petition as an ethics matter. See Petition at 2 ("In his dealings with [J.W.], Mr. Siering transgressed the ethical standards enshrined in New Jersey's School Ethics Act (N.J.S.A. 18A:12-24)."). Additionally, the Commissioner has specifically stated that the Commissioner does not have jurisdiction to adjudicate allegations arising pursuant to N.J.S.A. 18A:12-24. See e.g., Borough of Chesilhurst v. Bd. of Educ. of Chelhurst, 2009 N.J. AGEN LEXIS 531 (Aug. 12, 2009) (holding that "there are significant jurisdictional issues with regard to this petition. For example, petitioners seek relief pursuant to N.J.S.A. 18A:12-24 for alleged violation of the School Ethics Act, of which the Commissioner does not have jurisdiction."); Bd. of Educ. of Englewood, Bergen County v. David, 2022 N.J. AGEN LEXIS 487 n.4 (Aug. 15, 2022) (holding Commissioner does not have jurisdiction to address alleged violations of SEA because "jurisdiction lies with the School Ethics Commission");

Castriotta v. Bd. of Educ. of Roxbury, Morris County, EDU 09217-10 Final Decision (May 18, 2011), 2011 N.J. AGEN LEXIS 182 (Apr. 4, 2011), rev'd on other grounds, 427 N.J. Super (App. Div. 2012) (holding that “review and adjudication of allegations of Code of Ethics for School Board Members violations is solely within the jurisdictional purview of the School Ethics Commission.”).

Accordingly, petitioner’s allegations regarding an alleged violation of the New Jersey SEA, N.J.S.A. 18A:12-24, must be dismissed for lack of jurisdiction.

It is therefore **ORDERED** that respondent’s motion for summary decision is **GRANTED** and R.W.’s petition off appeal is hereby **DISMISSED** with prejudice.

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**. Exceptions may be filed by email to [ControversiesDisputesFilings@doe.nj.gov](mailto: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.

May 29, 2025

DATE

  
SARAH H. SURGENT, ALJ

Date Received at Agency:

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Date Mailed to Parties:

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SHS/nn



**APPENDIX**

**WITNESSES**

**For petitioner:**

None

**For respondents:**

None

**EXHIBITS**

**For petitioner:**

R.W.'s petition of appeal with attached exhibits, file stamped July 24, 2024

**For respondent:**

None