

468-25
OAL Dkt. No. EDU 07875-25
Agency Dkt. No. 131-5/25

New Jersey Commissioner of Education

Final Decision

F.P., on behalf of minor child, S.P.,

Petitioner,

v.

Board of Trustees of the Great Oaks Legacy
Charter School, Essex 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 concurs with the Administrative Law Judge's (ALJ) conclusion that petitioner has failed to advance a cause of action, and therefore this matter must be dismissed.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹


COMMISSIONER OF EDUCATION

Date of Decision: October 3, 2025
Date of Mailing: October 6, 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

INITIAL DECISION

OAL DKT. NO. EDU 07875-25

AGENCY DKT. NO. 131-5/25

F.P. o/b/o minor child S.P.,

Petitioner,

v.

**BOARD OF TRUSTEES OF THE GREAT
OAKS LEGACY CHARTER SCHOOL,
ESSEX COUNTY,**

Respondent.

F.P., petitioner, pro se

Thomas O. Johnston, Esq., for respondents (Johnston Law Firm, LLC, attorneys)

Record Closed: June 25, 2025

Decided: July 23, 2025

BEFORE **BINDI MERCHANT**, ALJ:

STATEMENT OF THE CASE

Petitioner, F.P., on behalf of his daughter, S.P., filed an emergent petition seeking to address ongoing issues regarding S.P.'s safety and well-being at school, but failed to identify a specific school law violation. May F.P.'s petition be dismissed for failure to advance a cause of action? Yes. Upon a motion to dismiss, a petition may be dismissed

on the grounds that the petitioner advanced no cause of action, even if the allegations are accepted as true. N.J.A.C. 6A:3-1.10.

PROCEDURAL HISTORY

On May 5, 2025, petitioner, F.P., filed an emergent petition of appeal with the Department of Education, Office of Controversies and Disputes. In his petition, petitioner alleges ongoing issues regarding his child's safety and well-being at school. On May 6, 2025, the Office of Controversies and Disputes transmitted the case to the Office of Administrative Law as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On May 7, 2025, I held an initial prehearing conference and the parties requested an adjournment of the emergent hearing to allow time to meet and try to resolve the issue. On May 19, 2025, at another conference, petitioner withdrew his request for emergent relief but continue with the petition, and respondent requested to file a motion to dismiss instead of answering the petition. The parties agreed on a briefing schedule, and on May 29, 2025, respondent filed its motion to dismiss under N.J.A.C. 6A:3-1.10, but petitioner never filed any opposition.

On June 25, 2025, I held oral argument. All parties appeared. I closed the record at its conclusion.

FINDINGS OF FACT

Assuming all the allegations in the petition as true, I **FIND** the following **FACTS** for purposes of this motion only:

On November 4, 2024, S.P. sustained an injury to her hand at Greater Oaks Legacy Charter School. The nurse determined that S.P.'s hand was slightly swollen, but S.P. was able to wiggle her fingers and make a fist. S.P. had full range of motion and no

discomfort. (R-3) That same day, F.P. entered S.P.'s classroom and became verbally aggressive toward staff. (R-4) On November 15, 2024, the school's director advised F.P. that his actions violated the school's code of conduct. (R-5) The school's director advised F.P. that he was in jeopardy of being banned from campus if his inappropriate conduct continued. Id. At the time, F.P. was permitted to be on campus with an escort. F.P., however, continued to enter the building without authorization on March 6, 10, and 11, 2025 in violation of the visitor policy. (R-6) On March 11, 2025, F.P. was restricted to enter the premises of Greak Oaks Legacy Charter School. (R-7)

On April 3, 2025, S.P. was running at Greak Oaks Legacy Charter and was accidentally pushed and landed on her right-hand palm side. (R-8) An ice pack was administered and F.P. was notified. Id. F.P., however, remained restricted from entering the school. Id. On April 14, 2025, F.P. asked the school's director to allow him to enter the school for circumstances concerning his daughter's health and safety. (R-9) On April 29, 2025, the school said no. It underscored the reasons for implementing the ban and explained that F.P. would not be permitted on campus until he becomes more respectful of the learning environment. (R-10)

S.P. has not attended school since April 18, 2025. On May 5, 2025, F.P. advised the schools operation team he will continue to keep S.P. out of school until the school is investigated for its "lies, neglect, and abuse."

CONCLUSIONS OF LAW

The Commissioner may dismiss a petition if the petitioner has advanced no cause of action:

At any time prior to transmittal of the pleadings to the OAL, in the Commissioner's discretion or upon motion to dismiss filed in lieu of answer, 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 or for lack of jurisdiction, failure to prosecute or other good reason.

[N.J.A.C. 6A:3-1.10.]

In this case, petitioner has cited no violation of any law. He has only asserted his concern for his child's safety and well-being. As such, I **CONCLUDE** that petitioner has advanced no cause of action and that this case must be **DISMISSED**.

As discussed at oral arguments, if petitioner believes that respondent is in violation of Harassment, Intimidation, and Bullying (HIB) policies, he can file an HIB complaint, which respondent provided on May 9, 2025.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that this case is **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**. 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.



July 23, 2025
DATE

BINDI MERCHANT, ALJ

Date Received at Agency:

July 23, 2025

Date Mailed to Parties:

July 23, 2025

am

Exhibits

- | | |
|------|--|
| R-1 | Emergent petition |
| R-2 | E-mail dated April 9, 2024 |
| R-3 | Incident Report dated November 4, 2024 |
| R-4 | E-mail dated November 4, 2024 |
| R-5 | E-mail dated November 15, 2024 |
| R-6 | E-mails regarding unauthorized entries |
| R-7 | Email dated March 11, 2025 |
| R-8 | Incident Report dated April 3, 2025 |
| R-9 | Letter dated April 14, 2025 |
| R-10 | Letter dated April 29, 2025 |