

479-25

OAL Dkt. Nos. EDU 16338-24, 16340-24, 16342-24, and 16343-24 (Consolidated)

Agency Dkt. Nos. 341-10/24, 342-10/24, 343-10/24, and 344-10/24

New Jersey Commissioner of Education

Final Decision

A.P. and K.P., on behalf of minor children, A.P.
and T.P.,

Petitioners,

v.

Board of Education of the Township of Franklin,
Somerset County and Audrey Taylor,

Respondents.

AND

A.P. and K.P., on behalf of minor children, A.P.
and T.P.,

Petitioners,

v.

Board of Education of the Township of Franklin,
Somerset County and Darryl Robinson,

Respondents.

AND

A.P. and K.P., on behalf of minor children, A.P.
and T.P.,

Petitioners,

v.

Board of Education of the Township of Franklin,
Somerset County,

Respondent.

AND

A.P. and K.P., on behalf of minor children, A.P.
and T.P.,

Petitioners,

v.

Board of Education of the Township of Franklin,
Somerset County and Amy Mattia

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, and for the reasons thoroughly detailed in the Initial Decision, the Commissioner concurs with the Administrative Law Judge (ALJ) on the following: (1) as to OAL Docket No. EDU 16338-24, petitioners' appeal is untimely under *N.J.A.C. 6A:3-1.3(i)* and is therefore dismissed; (2) as to OAL Docket No. EDU 16340-24, the Board did not act arbitrarily, without a rational basis, or induced by improper motives in determining that Coach Robinson did not violate the HIB statute; as such, the case is dismissed; and (3) as to OAL Docket Nos. EDU 16342-24 and EDU 16343-24, petitioners' requested relief – the Commissioner's removal of school administrators and a substitute teacher from employment – cannot be pursued through HIB proceedings. Respondents are therefore entitled to summary decision, and the matters are dismissed.

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

IT IS SO ORDERED.¹



COMMISSIONER OF EDUCATION

Date of Decision: October 10, 2025
Date of Mailing: October 10, 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

SUMMARY DECISION

OAL DKT. NO. EDU 16338-24
AGENCY DKT. NO. 341-10/24
OAL DKT. NO. EDU 16340-24
AGENCY DKT. NO. 342-10/24
OAL DKT. NO. EDU 16342-24
AGENCY DKT. NO. 343-10/24
OAL DKT. NO. EDU 16343-24
AGENCY DKT. NO. 344-10/24
(CONSOLIDATED)

**A.P. AND K.P. ON BEHALF OF MINOR
CHILDREN A.P. AND T.P.,**

Petitioners,

v.

**FRANKLIN TOWNSHIP BOARD OF
EDUCATION, SOMERSET COUNTY,
AND AUDREY TAYLOR, DARRYL
ROBINSON, KENNETH MARGOLIN,
NICHOLAS SOLOMON, JOHN
RAVALLY, and AMY MATTIA,**

Respondents.

A.P. and K.P., on behalf of minor children, A.P. and T.P., petitioners, appearing
pro se

Emily Strawbridge, Esq., appearing for respondents (Parker McCay, P.A., attorneys)

Record Closed: June 2, 2025

Decided: July 16, 2025

BEFORE **MAMTA PATEL**, ALJ:

STATEMENT OF THE CASE

OAL Docket No. EDU 16338-24

On January 20, 2023, petitioners filed a harassment, intimidation, and bullying (HIB) complaint with Franklin BOE against Coach Taylor. On January 27, 2023, after an investigation, Franklin BOE advised petitioners that there was no evidence of HIB. On October 24, 2024, 636 days later, petitioners filed a petition of appeal. Is the petition time-barred? Yes. Under N.J.A.C. 6A:3-1.3(i), absent exceptional circumstances, a petitioner must file a petition of appeal no later than the ninetieth day of a board's final action.

OAL Docket No. EDU 16340-24

On June 18, 2024, petitioners filed another HIB complaint with Franklin BOE against Coach Robinson. On August 23, 2024, after an investigation, Franklin BOE determined that the HIB complaint was unfounded because no one corroborated that his actions were based on a distinguishing characteristic. Must these findings stand? Yes. A finding of HIB requires that the conduct reasonably be perceived as being motivated by a distinguishing characteristic. See N.J.S.A. 18A:37-14.

OAL Docket Nos. EDU 16342-24 and EDU 16343-24

On October 24, 2024, petitioners petitioned the Commissioner of Education to terminate the employment of the athletic director, principal, superintendent, and a substitute teacher. Must the case be dismissed? Yes. The boards of education have the authority to create and enforce rules regarding tenure, terms of employment,

dismissal, and discipline of their employees. See N.J.A.C. 6A:32-4.1(a); N.J.A.C. 6A:23A-3.2.

PROCEDURAL HISTORY

OAL Docket No. EDU 16338-24

On January 2, 2023, followed by the filing of a HIB 338 form on January 20, 2023, A.P. and K.P., on behalf of their minor children, A.P. and T.P. (petitioners), filed a HIB complaint against Audrey Taylor, who was then the girls' varsity basketball coach at Franklin High School (Franklin), alleging that she favored black players. On January 27, 2023, Franklin Township Board of Education (respondent or Franklin BOE) informed petitioners that an investigation into their HIB complaint against Taylor had found insufficient evidence to support their claims. (Certification of Nicholas Solomon; OAL Dkt. No. 16338-24, Resp. Ex. A.) Petitioners did not appeal the school district's decision. On October 24, 2024, petitioners filed a petition of appeal with the Department of Education, Office of Controversies and Disputes (DOE), challenging Franklin BOE's HIB determination and seeking Taylor's resignation reflected as a termination.

On November 14, 2024, respondent filed an answer to the petition of appeal, denying the petitioners' allegations and asserting, among other affirmative defenses, that the petitioners' claims are barred by the statute of limitations, barred by compliance with the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13 et. seq., and failed to state a claim upon which relief could be granted.

OAL Docket No. EDU 16340-24

On June 10, 2024, followed by the filing of a HIB form on June 18, 2024, petitioners submitted a HIB complaint against Darryl Robinson, who at the time was the girls' varsity basketball coach at Franklin, alleging that he favored and encouraged black players more than T.P. Petitioners also claimed that Robinson "intentionally and maliciously" held T.P. back to negatively affect her chances of playing in college." (Certification of Nicholas Solomon; OAL Dkt. No. 16340-24, Resp. Ex. A.) On July 26, 2024, respondent informed

petitioners that an investigation into their HIB complaint against Robinson found insufficient evidence to support their claims. On August 14, 2024, respondent held a board of education meeting and adopted the investigation's findings and conclusion. On August 23, 2024, respondent notified petitioners of the board's decision. (Certification of Nicholas Solomon; OAL DKT. No. 16340-24, Resp. Ex. E.) On October 24, 2024, petitioners filed an appeal with the DOE, challenging Franklin BOE's HIB determination and seeking the termination of Robinson.

On November 14, 2024, respondent filed an answer to the petition of appeal, denying the petitioners' allegations and asserting, among other affirmative defenses, that the petitioners' claims are barred by the statute of limitations, barred by compliance with the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13 et. seq., and failed to state a claim upon which relief could be granted.

OAL Docket No. EDU 16342-24

On October 24, 2024, petitioners filed a complaint with the Commissioner of Education regarding their disagreements with various administrative decisions, including the HIB outcomes; a five-game suspension of T.P. on January 13, 2023, issued by Kenneth Margolin, Athletic Director, at Franklin for a code of conduct violation against another teammate; the denial of remote instruction for A.P. and T.P. after a verbal altercation with the player; the enforcement of late arrival times; T.P. not being included on the May 24, 2024, Top Prospects List; and being told by Dr. Nicholas Solomon, Principal, at Franklin that T.P. could not attend practice if she was not at school. They seek the termination of Margolin, Solomon, and John Ravally, superintendent.

On November 14, 2024, respondent filed an answer to the petition of appeal, denying the petitioners' allegations and asserting amongst other affirmative defenses that the petitioners' claims are barred by the statute of limitations, barred by compliance with the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13 et. seq., and failed to state a claim upon which relief could be granted.

OAL Docket No. EDU 16343-24

Between December 26, 2023, and January 14, 2024, Margolin, Athletic Director, issued K.P. a four-game suspension because K.P. had a verbal altercation with Amy Mattia, a substitute teacher at Franklin and the parent of another player on the girls' basketball team. On October 24, 2024, petitioners filed a petition of appeal with the DOE, challenging K.P.'s suspension and seeking the termination of Mattia.

On November 15, 2024, the Office of Controversies and Disputes transmitted all four cases to the Office of Administrative Law (OAL), where they were filed as contested cases 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 -13, for hearings under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On April 14, 2025, respondents filed their motions for summary decision for all four cases. On May 2, 2025, respondents supplemented the record with additional documentation and a certification from Nicholas Solomon, District Anti-Bullying Coordinator. On May 22, 2025, petitioners filed a consolidated opposition to the motions. On June 2, 2025, respondents filed a consolidated reply, and I closed the record.

On July 7, 2025, I consolidated the cases.

DISCUSSION AND FINDINGS OF FACT

After reviewing the papers submitted in support of and in opposition to the motion for summary decision, and viewing the evidence in the light most favorable to petitioners, I **FIND** the following as **FACT**:

Respondent is the public school district board for Franklin Township in Somerset, New Jersey. It is authorized under N.J.S.A. 18A:10-1 to operate the Franklin Township public schools, which serve students from pre-kindergarten through high school. On September 27, 2018, and with revisions on June 16, 2022, October 20, 2022, and April 24, 2025, Franklin BOE adopted District Policy 5512, HIB, to comply with the New Jersey

Anti-Bullying Bill of Rights Act, which includes a provision prohibiting retaliation. N.J.S.A. 18A:37-13, et seq. (Resp. Ex. F.)

A.P. is the father of A.P. and T.P., and K.P. is their mother. Since the father and daughter share the same initials, the father will be referred to as “A.P.P.” The daughter will still be called A.P.

Both A.P. and T.P. have been playing basketball since at least middle school, or possibly even earlier. During the 2019–2020 school year, A.P. was a freshman while T.P. was in eighth grade at Franklin. A.P. joined the girls’ basketball team, which Taylor coached. Taylor had served as the team’s head coach for approximately the past ten years. Under Taylor, the program was successful.

During the 2020–2021 school year, T.P. began high school and joined the girls’ basketball team, coached by Taylor. Neither A.P. nor T.P. was a varsity starter. In the 2021–2022 school year, both A.P. and T.P. again played basketball under the same coach. A.P. and T.P. were not highlighted during games.

January 2, 2023, HIB Complaint and OAL Docket No. EDU 16338-24

During the 2022–2023 basketball season, A.P. was a senior and T.P. was a junior. From the start of the season, there was considerable discord among the team members. The first game took place on December 15, 2022, against Rutgers Prep. A.P. and T.P. started, but A.P. was quickly taken out of the game. The team did not play well together and blamed each other. Later, Taylor held a team meeting for the girls to express their grievances, including issues with one another. A.P. and T.P. also “bicker” with each other. On December 20, 2022, Franklin played its second game against Bridgewater. T.P. did not start, nor did she start the next game on December 21, 2022, against “TCA.” On December 27, 2022, Franklin faced West Orange. When asked by the referee who the speaking captain was, T.P. said it was A.P., but teammate one identified teammate two as the speaking captain.

On December 29, 2022, petitioners held a Zoom meeting with the athletic director to discuss the issues A.P. and T.P. were experiencing on the team.

On December 30, 2022, the players held a team meeting that the coaches also attended. T.P. revealed she had issues with the coaches, and it also seemed that she did not get along well with her teammates.

On January 2, 2023, A.P.P., on behalf of A.P. and T.P., submitted a detailed sixteen-page email report accusing Taylor of “marginalizing” and “bullying” A.P. and T.P. into accepting lesser roles on the girls’ varsity basketball team in favor of black players. Specifically, he claimed there was a reduction in playing time, changes to their starting positions, and coaching actions that negatively affected A.P. and T.P. (OAL Dkt. No. 16338-24, Resp. Ex. A).

Quiyon Peters, the District Anti-Bullying Specialist, investigated the HIB complaint. On January 20, 2023, petitioners submitted a HIB 338 form with additional details, including the names of witnesses. In the complaint, petitioners referenced an incident from the 2019–2020 basketball season when A.P. was a freshman. During a game, a black player on the team slammed the ball and received a technical foul. After the game, while addressing the team, Taylor said they needed to be more composed during a game because they are judged differently and are “strong black players.” (OAL Dkt. No. 16338-24, Resp. Ex. A and B; petition of appeal.)

The investigation included statements from both daughters, A.P. and T.P., Taylor, and ten other individuals, including the athletic director, assistant coaches, team members, and their parents. (OAL Dkt. No. 16338-24, Resp. Ex. B.)

Taylor stated that playing time was determined by:

- a) A defensive focus
- b) Basic fundamentals, lay-ups, group shots, attitude, treatment of teammates, respect for one another
- c) Player improvement plan

Taylor recognized the girls' difficulty in working as a team and had spoken to them about the importance of supporting one another. From the coach's perspective, T.P. needed to become a better teammate. This had nothing to do with T.P.'s race. (OAL Dkt. No. 16338-24, Resp. Ex. B.)

Several parents and assistant coaches stated that A.P. and T.P. have been involved in sports since they were five years old, and that petitioners had submitted complaints about previous coaches in basketball, softball, and soccer teams, as well as other district staff. (OAL Dkt. No. 16338-24, Resp. Ex. B.) Specifically, one interviewee mentioned that when A.P. and T.P. played basketball in middle school, the parents filed a similar complaint, claiming that the black players received more playing time than their daughters. (OAL Dkt. No. 16338-24, Resp. Ex. B.)

Players, parents, and assistant coaches spoke highly of Taylor, believing she maintained high standards and coached the team fairly. One parent who was interviewed suggested that Taylor should have been more demanding of the team, and at least one other parent reported that more playing opportunities to everyone could have been beneficial. (OAL Dkt. No. 16338-24, Resp. Ex. B.)

None of the players, parents, or assistant coaches corroborated the HIB complaint. (OAL Dkt. No. 16338-24, Resp. Ex. B.) The investigation found no evidence that Taylor's interactions with A.P. and T.P. were motivated by racial bias or that Taylor favored other players because of their race. (OAL Dkt. No. 16338-24, Resp. Ex. C.) The investigation did not find any evidence that Taylor intimidated or bullied A.P. or T.P. (OAL Dkt. No. 16338-24, Resp. Ex. C.)

The investigation revealed that A.P. and T.P. had conflicts with some teammates and Taylor. Taylor held team meetings to address the tension among players. (OAL Dkt. No. 16338-24, Resp. Ex. B.)

The investigation results were shared with the principal, who outlined a plan of remedial actions for the administration, including recommending therapy for A.P. and T.P. (OAL Dkt. No. 16338-24, Resp. Ex. B.)

On January 27, 2023, Orvyl Wilson, District Anti-Bullying Coordinator, notified the petitioners by letter of the investigation's outcome, explicitly stating that there was no evidence to support an act of HIB. The letter also noted that the investigation results, as required, were reported to the superintendent and principal, and on January 26, 2023, to the Franklin BOE. Finally, the letter notified the petitioners of their right to appeal the findings to the BOE. (OAL Dkt. No. 16338-24, Resp. Ex. D.)

Petitioners did not file an appeal with the BOE. They state they were afraid of further mistreatment of A.P. and T.P. and wanted T.P. to participate in softball during the spring 2024 season. (Petitioners' petition.)

However, on October 24, 2024, the petitioners filed a petition of appeal to the DOE regarding Franklin BOE's HIB findings, 636 days after they received the January 27, 2023, letter informing them of their right to appeal.

Sometime after the season ended and the 2023–2024 school year started, Taylor resigned as the girls' varsity basketball coach.

June 10, 2024, HIB Complaint and OAL Docket No. EDU 16340-24

In June 2023, A.P. graduated, and by September 2024, T.P. was a senior. During the 2023–2024 basketball season, T.P. was an uncommitted senior looking to play college basketball and hoping to earn a scholarship. For that season, Robinson was appointed as the new girls' varsity basketball coach.

Some of the same players that T.P. had issues with last season were still on the team. T.P. and G.M. were the only two white players on the team. On November 15, 2023, T.P. injured her wrist and only took practice shots with the "shooting gun."¹ On December 12, 2023, T.P. was cleared to play. On December 14, 2023, the basketball season began, and Franklin played its first game at Gil St. Bernard. T.P. played only

¹ A device designed to automatically return basketballs to a player during shooting practice, allowing for more repetitions and focused training.

about six minutes in the game. G.M., the other white player, played nearly the entire game. After the game, a white cheerleader from Gil St. Bernard entered the locker room, and one of the Franklin players said, "I hate white girls." On December 15, 2023, T.P. reported that statement to Robinson.

On December 16, 2023, Franklin played its second game of the season at the Essex County College Tournament. Before the game, Taylor stopped by to greet the team. Taylor's presence upset T.P. Additionally, petitioners complain that T.P. did not get enough playing time. On December 18, 2023, Robinson held a team meeting to clear the air and addressed T.P.'s concern regarding the player's comment about "hating white girls."

On December 18, 2023, after the second game of the season, A.P.P. sent an email to the superintendent, principal, and athletic director to request an urgent meeting. On the same day, Margolin held a meeting with the parents of T.P. and Robinson, along with the assistant coaches, to discuss T.P.'s playing time.

On January 11, 2024, A.P.P. sent another email to Margolin about T.P.'s playing time and mistreatment by Robinson. On January 14, 2024, T.P. played most of the game. On January 17, 2024, T.P. started and played most of the game. Between January 18, 2024, and February 21, 2024, the last game of the season, T.P. started every game.

On February 8, 2024, after being cleared to play following an injury, K.D., a black player on the team, posted a poll on TikTok asking whether she should play in the next game, with options A) "yesss we missed u" or B) "no nigga." There is no evidence that this was reported to Robinson or any other administrator.

On March 19, 2024, Robinson posted congratulations on Twitter to four players who received Skyland Conference awards. T.P., however, was not mentioned. On March 22, 2024, K.P. emailed Ravally about T.P.'s exclusion from the awards. On March 24, 2024, Margolin responded by informing K.P. that Robinson nominated T.P., but she was not selected.

By email dated June 10, 2024, at the end of the school year, A.P.P. and K.P., on behalf of T.P., filed a detailed complaint against Robinson, alleging that he encouraged and favored black players more than T.P. A.P.P. further contended in the complaint that Robinson “intentionally and maliciously” held T.P. back to “negatively impact her plans to play in college.” Additionally, A.P.P. alleged that Robinson’s actions were in retaliation for the prior HIB complaint against Taylor. (OAL Dkt. No. 16340-24, petition; Resp. Ex. A.)

Ammon Barksdale, the Franklin Anti-Bullying Specialist, investigated the HIB complaint. (OAL Dkt. No. 16340-24, Resp. Ex. D.) On June 18, 2024, A.P.P., on behalf of T.P., submitted a HIB 338 form to the Franklin school district, which included additional information needed by the school to complete the investigation, such as the names of witnesses. (OAL Dkt. No. 16340-24, Resp. Ex. A.) The investigation included a statement from T.P. and a detailed complaint from A.P.P., which provided a day-by-day account of the 2023–2024 basketball season. (OAL Dkt. No. 16340-24, Resp. Ex. A and B; petition of appeal.)

The investigation also included seven statements from parents, other team members, and assistant coaches. (OAL Dkt. No. 16340-24, Resp. Ex. A and B.) The father of a black player, who provided a statement, said he did not see Robinson mistreat any student. However, his daughter felt “bullied” by Robinson because “he always pointed out the negative aspects of her performance.” Witness two stated, “All players were held to a difficult, fair standard.” They did not witness Robinson single out any white players. Witness three described Robinson as “very strict and stern.” They also stated that players earned playing time “based on attitude, performance in practice, and game performance.” Witness three denied seeing any discrimination against any team member. Witness four, the varsity assistant coach and junior varsity coach, stated that all players were treated “fairly and with the same amount of respect and responsibility.” Among other things, the athletes were expected to understand and execute offense and defense and uphold the team rules and core values. Witness five, an assistant coach, described Robinson as “very enthusiastic, discipline-oriented with a professional demeanor.” They specifically denied ever seeing Robinson favor black players and stated, “Robinson is a stand-up and professional human being.”

Robinson stated that playing time was determined by “consistent attendance at practice, strong work ethic, performance in both practices and games, adherence to team rules and guidelines, and overall skill level.” T.P. claimed she was excluded from attending a game at Rutgers. Robinson provided a list that included T.P. to demonstrate she was not excluded from the Rutgers game on January 5, 2024. (OAL Dkt. No. 16340-24, Resp. Ex. B.) T.P. said she couldn’t attend the Rutgers game, but she later attended the game with A.P. and K.P.

A summary of student statements described Robinson as “degrading” and “not uplifting.” Another player added that he told players, “You’re the player, I’m the coach, there’s no need for back talk.” Robinson did not support players sharing their opinions or asking questions.

On July 1, 2024, A.P.P. sent a five-page, single-spaced email to the Franklin BOE about his complaint against Robinson.

On July 26, 2024, the District Anti-Bullying Coordinator, sent a letter to the petitioners informing them that the HIB investigation did not substantiate their allegations of HIB. The investigation’s findings were shared with the principal and the superintendent. On July 25, 2024, the Franklin BOE was also notified of the investigation results. (OAL Dkt. No. 16340-24, Resp. Ex. D.)

On August 13, 2024, A.P.P. sent a six-page, single-spaced email to the Franklin BOE.

By mutual agreement, on August 14, 2024, petitioners appeared before the BOE and provided additional information about the second HIB investigation.

On August 23, 2024, the superintendent sent a letter to the petitioners informing them that the Franklin BOE upheld the finding of the HIB investigation. (OAL Dkt. No. 16340-24, Resp. Ex. E.)

Other Administrative Decisions and OAL Docket No. EDU 16342-24

Throughout A.P. and T.P.'s time on the basketball team, the athletic director and principal attended several meetings with the coaches and players. The athletic director, principal, and superintendent were all notified of the HIB complaints filed on January 20, 2023, and June 18, 2024, by petitioners. Both complaints were thoroughly investigated, and petitioners were informed by letters dated January 27, 2023, and July 26, 2024, that the investigations did not find any evidence of HIB. The athletic director, principal, and superintendent reviewed the findings and concurred with the investigation's results.

On January 13, 2023, after a meeting with the athletic director, the principal, and one of the assistant basketball coaches, T.P. received a five-game suspension for violating the code of conduct. Subsequently, the principal denied petitioners' request for remote instruction for A.P. and T.P. for the following week. In 2023, petitioners also complained that they did not receive the same leniency as other families for late arrivals. T.P. was not included on the May 24, 2024, Top Prospects List, and the principal informed A.P.P. that T.P. could not attend practice unless she was at school.

Although not all of the incidents listed are subject to appeal, none of the incidents, including T.P.'s suspension, were appealed.

K.P.'s Game Suspension and OAL Docket No. EDU 16343-24

On December 16, 2023, K.P. and Mattia, who is the parent of another player on Franklin's basketball team and a substitute teacher at Franklin, attended a Franklin girls' basketball game. After the game, K.P. and Mattia had a verbal dispute over K.P.'s actions during the game, which prompted a response from police and security.

The athletic director reviewed the incident and considered statements from A.P.P. and K.P., as well as those of other parents who were present.

On December 26, 2023, after reviewing the incident, the athletic director sent an email to K.P. suspending her from attending any "games" until January 14, 2024, for

violating spectator codes of conduct, resulting in a four-game suspension. On January 13, 2024, Margolin emailed A.P.P. and K.P. to inform them that K.P. could resume attending the games starting January 15, 2024. Petitioners are now seeking the termination of Mattia.

DISCUSSION AND CONCLUSIONS OF LAW

A party may move for summary decision upon any or all substantive issues in a contested case. N.J.A.C. 1:1-12.5(a). The motion for summary decision shall be served with briefs and may be served with supporting affidavits. Ibid. “The 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). In this case, no genuine issues of material fact exist, and the appeals must be dismissed.

January 2, 2023, HIB Complaint and OAL Docket No. EDU 16338-24

N.J.A.C. 6A:3-1.3(i) states that petitions of appeal must be filed “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.” The ninety-day limitation period “represents a fair and reasonably necessary requirement for the proper and efficient resolution of disputes under the school laws.” Kaprow v. Bd. of Educ. of Berkeley Twp., 131 N.J. 572, 582 (1993). It “provides a measure of repose” and “gives school districts the security of knowing that administrative decisions regarding the operation of the school cannot be challenged after ninety days.” Ibid.

Courts strictly interpret and consistently enforce the ninety-day limitation period. Kaprow, 131 N.J. at 588–89; Nissman v. Bd. of Educ., 272 N.J. Super. 373, 380–81 (App. Div. 1994); Riely v. Bd. of Educ., 173 N.J. Super. 109, 112–14 (App. Div. 1980). This period begins when the petitioner “learn[s] from the Local Board the existence of that state of facts that would enable him to file a timely claim.” Kaprow, 131 N.J. at 588–89. The “notice of a final order, ruling, or other action” is “sufficient to inform an individual of some fact that he or she has a right to know and that the communicating party has a duty

to communicate.” Id. at 586–587. Notably, a petitioner does not need to receive official and formal notification that they may have a valid claim to start the ninety-day clock. Id. at 588. The ninety-day period begins when a petitioner becomes aware of the facts that enable them to file a timely complaint.

Petitioners state they did not appeal the HIB investigation results to avoid risking T.P.’s spot on the softball team. N.J.A.C. 6A:3-1.16 permits relaxing the ninety-day rule in special circumstances or for other strong reasons. School districts are required to create policies for investigating HIB complaints, which must include “a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying” N.J.S.A. 18A:37-15(b)(8). In this case, Franklin BOE’s HIB Policy includes such a provision.

On January 20, 2023, petitioners filed the first of two HIB complaints. On January 27, 2023, Franklin informed the petitioners of the outcome of the HIB investigation. The letter explicitly advised the petitioners of their right to appeal the decision to the BOE; however, the petitioners appealed the decision to the DOE. Even if petitioners had appealed to the BOE, their appeal would still be time-barred because it is over a year and a half too late. Petitioners argue that they did not file their appeal on time because they feared retaliation and wanted T.P. to play softball. No exception, however, exists for such a reason. Their decision not to file a timely appeal was self-serving. Therefore, I **CONCLUDE** that petitioners filed their appeal outside the statute of limitations under N.J.A.C. 6A:3-1.3(i), and this claim is **DISMISSED**.

June 10, 2024, HIB Complaint and OAL Docket No. EDU 16340-24

The Anti-Bullying Bill of Rights Act (ABRA), N.J.S.A. 18A:37-13 et seq., is designed “to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying of students that occur in school and off school premises.” N.J.S.A. 18A:37-13.1(f). Essentially, there are four elements of HIB under ABRA. For the first three elements, the conduct must: (1) be reasonably perceived as motivated by an actual or perceived characteristic such as race or other distinguishing characteristic; (2) take place on school property, at a school-

sponsored event, on a school bus, or in a similar setting; and (3) substantially disrupt or interfere with the orderly operation of the school or the rights of other students. N.J.S.A. 18A:37-14. The fourth element, which pertains to the effect of the conduct, can be any of the following: (a) a reasonable person would recognize, given the circumstances, that the conduct will lead to physical or emotional harm to a student, damage to the student's property, or place the student in reasonable fear of such harm or damage; (b) the conduct insults or demeans any student or group of students; or (c) the conduct creates a hostile educational environment for the student by interfering with a student's education or causing severe or pervasive physical or emotional harm to the student. Ibid.

Harmful or demeaning conduct motivated solely by another reason, such as a dispute over relationships or personal belongings, or aggressive conduct without a clear motivation, does not fall within the statutory definition of bullying. See K.L. v. Evesham Twp. Bd. of Educ., 423 N.J. Super. 337, 357 (App. Div. 2011). Additionally, as the DOE explained in its guidance document, "Guidance for Parents on the Anti-Bullying Bill of Rights Act," conflict and bullying may appear similar, but they are different. Therefore, an incident may be physically, psychologically, or socially harmful, but still not meet the criteria of HIB. See P.P. ex rel. S.P. v. Camden Cnty. Tech. Schs. Bd. of Educ., OAL Dkt. No. EDU 07418-23 (Oct. 10, 2024), adopted, Comm'r Decision No. 420-24 (Nov. 13, 2024). Moreover, a conflict does not qualify as HIB even if it causes emotional harm. HIB Guide Id. at 11; see also, L.P. and H.P. ex rel. L.P. v. Bd. of Educ. of West Morris Reg'l High Sch. Dist., EDU 04462-16 (June 10, 2016), adopted, Comm'r Decision No. 277-16 (July 25, 2016) ("It is well established that conduct motivated by a personal dispute such as specific roles on a sports team, even if potentially harmful, does not fall under the definition of bullying in the Act"); L.B.T. ex rel. K.T. v. Bd. of Educ. of Freehold Reg'l Sch. Dist., EDU 07894-12 (Jan. 24, 2013), adopted, Comm'r Decision No. 89-13 (March 7, 2013) (a dispute between two students over their respective roles on the swim team was not HIB because there was no distinguishing characteristic).

The Commissioner has explicitly rejected a purely subjective standard of reasonableness in favor of "a standard reasonableness determination common in many types of adjudications." Wehbeh v. Bd. of Educ. of the Twp. of Verona, 2020 N.J. AGEN LEXIS 50, at *8 n.3 (February 4, 2020). In a case similar to this one, J.E. and R.E. v.

Board of Education of the Hunterdon Central Regional School District, EDU 00188-14, Initial Decision (September 28, 2017), adopted, Commissioner (December 21, 2017), petitioners alleged that the coach engaged in unfair playing time and favoritism. They also claimed the coach teased, called names, made insulting and demeaning comments, publicly humiliated a player, used profanity, and was too harsh on players. The administrative law judge found, and the Commissioner agreed, that the Board did not act arbitrarily, capriciously, or unreasonably in making its HIB determination because there was no evidence that the alleged actions were motivated by a distinguishing characteristic, and the case was dismissed.

In this case, petitioners allege that Robinson's conduct towards T.P. was due to her race or because of their prior filing of an HIB complaint against the former varsity basketball coach, Taylor. The HIB investigation, however, yielded no facts to support such a claim. Moreover, petitioners failed to present objective evidence showing that the conduct was motivated by race or the prior HIB filing. Petitioners perceived Robinson's actions were motivated by race, but their perceptions are not reasonable or based on fact. The examples of race-related conduct provided by the petitioners, i.e. the comment made by a player about "hating white girls" and the TikTok survey, are instances of conduct or statements made by other players, not Robinson. Their attempt to link this conduct to Robinson is unconvincing. They only argued that Robinson treated T.P. harshly. However, the HIB investigation revealed he treated all players harshly. The only evidence petitioners offered was their opinion that their child should have played more.

There is clearly a difference of opinion between the coach's assessment of T.P.'s basketball skills and as a teammate and the petitioners' assessment. The differing opinions have led to considerable conflict between petitioners and respondents. However, a conflict doesn't amount to HIB even if it results in emotional harm. HIB Guide Id. at 11.

Specifically, in this case, the HIB investigation found no specific characteristic that motivated Robinson's treatment of T.P. The statements from parents, players, and assistant coaches, along with the responses of witnesses during the HIB investigation, indicated that Robinson was a disciplinarian and sometimes harsh in his communication

with players. He was also described as strict, stern, and honest. A common theme in these responses was that Robinson treated all players equally, with no evidence suggesting that a player's race impacted their playing time or other opportunities. Instead, playing time was based on factors like skill, execution, attitude, alignment with core team values, punctuality, and performance in practice. Petitioners' claim that Robinson pulled T.P. out of games and did not promote her because of her race or in retaliation for filing a prior HIB is merely speculation. There is no evidence that Robinson's behavior was race-motivated, as the investigation showed that black players were similarly targeted; therefore, this argument must fail. The HIB investigation revealed that Robinson had a blunt and authoritative communication style. Additionally, the fact that Taylor greeted the team during a tournament is insufficient to suggest that Robinson's actions were based on any relationship with Taylor or related to the prior HIB. Based on the above, I **CONCLUDE** that skill alone did not dictate playing time. Basketball is a team sport; for the team and for each player to be individually successful, they must support one another. I **CONCLUDE** that T.P. had trouble relating to her teammates and did not take criticism well. Since there is no evidence that Robinson was motivated by race or any other distinguishing characteristic, I **CONCLUDE** that Robinson did not violate the Anti-Bullying Bill of Rights Act through HIB, and the respondent is entitled to summary judgment as a matter of law. The case is therefore **DISMISSED**.

A. There is no evidence that the BOE's decision was arbitrary, capricious, or unreasonable.

When a local board of education acts within its discretionary authority, its decision is entitled to a presumption of correctness that 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). To overcome that presumption, the petitioner must prove by a preponderance of the evidence that the board "acted in either bad faith or in disregard to the circumstances." T.B.M. ex rel. M.M. v. Moorestown Bd. of Educ., EDU 02780-07 (February 6, 2008), aff'd, Comm'r (April 7, 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)). In other words, the burden is a heavy one.

Under N.J.S.A. 18A:37-13 et seq. and its HIB Policy, Franklin BOE initiated an HIB investigation. On July 26, 2024, the investigation's results were provided to the petitioners. On August 14, 2024, a board meeting was held by mutual agreement. On August 23, 2024, after a thorough review of the allegations and consideration of the petitioners' verbal and written submissions, the Franklin BOE concluded that the allegations were unfounded because there was no evidence that Robinson's conduct was based on a distinguishing characteristic.

No one corroborated petitioners' allegations that Robinson singled out T.P. No students, coaches, or parents confirmed petitioners' claim. Petitioners were given ample opportunity to share their story with the Franklin BOE. The Franklin BOE considered their claim and affirmed the HIB finding. There is nothing in the record that suggests or can be construed as any comment or action based on an "actual or perceived characteristic," such as race, by Robinson. Nor is there any evidence in the record supporting petitioners' claim that T.P. was singled out in retaliation for filing a prior HIB. Therefore, I **CONCLUDE** that Franklin's BOE did not act arbitrarily, without a rational basis, or induced by improper motives, and that its HIB determination must stand, and respondents' motion for summary decision is granted, and the case is **DISMISSED**.

Claims Against Margolin, Solomon, Ravally, Mattia and OAL Docket Nos. EDU 16342-24 and EDU 16343-24

The New Jersey Department of Education and the Commissioner of Education have "subject matter interest" and the "first-instance jurisdiction 'to hear and determine . . . all controversies and disputes arising under the school laws.'" Archway Programs, Inc. v. Pemberton Twp. Bd. of Educ., 352 N.J. Super. 420, 424 (App. Div. 2002) (quoting N.J.S.A. 18A:6-9). The Commissioner's jurisdiction, however, does not extend to all matters involving school boards. Id. at 424–25. For example, the Commissioner does not have jurisdiction over contract claims because they arise from statutory or common law and not from school laws. Id. at 425.

N.J.S.A. 18A:6-9 states that the commissioner has jurisdiction to hear and determine all controversies and disputes arising under the school laws. Courts have interpreted the meaning of N.J.S.A. 18A:6-9 in Galbraith v. Lenape Regional High School District, 964 F. Supp. 889, 895 (D.N.J. 1997) (citation omitted), where the court explained that “the statute clearly implies that ‘where the controversy does not arise under the school laws, it is outside the Commissioner’s jurisdiction even though it may pertain to school personnel.’”

Meanwhile, N.J.A.C. 6A:32-4.1(a) states that “[e]ach district board of education . . . shall determine guidelines for the hiring of all staff.” Additionally, under N.J.S.A. 18A:27-4.1(b), a board of education is authorized to renew the employment contract of certified and non-certified employees, “only” upon the recommendation of the chief school administrator and by a roll call majority vote of the full membership of the board. Ibid.

Likewise, under N.J.A.C. 6A:23A-3.2(b), termination of a superintendent can only take place when the district board of education documents in a separation agreement that it is in the best interest of the district and students. Ibid.

In this case, petitioners seek the termination of the athletic director, the principal, the superintendent, and a substitute teacher—Margolin, Solomon, Ravally, and Mattia, respectively.

It should be noted that the dispute between K.P. and Mattia occurred during a basketball game, where Mattia was there as a spectator to watch her daughter play. There is no school law or controversy involved in this case.

Petitioners disagree with the outcome of the HIB complaints and K.P.’s suspension, as well as other discretionary decisions made by Franklin’s administrators, which they did not appeal at the time. They now seek the removal of those school administrators and a substitute teacher. However, none of these individuals can be disciplined or fired through HIB proceedings. Only the Franklin BOE has the authority to discipline or terminate them.

Therefore, I **CONCLUDE** that the respondents are entitled to a summary decision on this issue as a matter of law, and the case is **DISMISSED**.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that respondents' motions for summary decision are **GRANTED**, and this consolidated case is **DISMISSED** in its entirety.

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 under 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 16, 2025

DATE



MAMTA PATEL, ALJ

Date Received at Agency:

Date Mailed to Parties:

MP/jm

APPENDIX

List of Exhibits

For Petitioners:

Petitions of Appeal

HIB complaint dated January 2, 2023

HIB complaint dated June 10, 2024

For Respondents:

OAL DKT. No. EDU 16338-24

Certification of Nicholas Solomon, Franklin Township School District, Anti-Bullying
Coordinator

Exhibit A HIB 338 Form submitted by A.P. on behalf of T.P. and A.P. against
Audrey Taylor, dated January 20, 2023

Exhibit B HIB investigation statements

Exhibit C HIB Executive Summary, dated January 20, 2023

Exhibit D Letter from Franklin Township School District to A.P. and K.P., dated
January 27, 2023

Exhibit E Franklin School District's HIB Policy

OAL DKT. No. EDU 16340-24

Certification of Nicholas Solomon, Franklin Township School District, Anti-Bullying
Coordinator

Exhibit A HIB 338 Form submitted by A.P. on behalf of T.P. and A.P. against
Darryl Robinson, dated June 18, 2024

Exhibit B HIB investigation statements

Exhibit C HIB Executive Summary

Exhibit D Letter from Franklin Township School District to A.P. and K.P., dated
July 26, 2024

- Exhibit E Letter from Franklin Township Superintendent to A.P. and K.P., dated August 23, 2024
- Exhibit F Franklin School District HIB Policy 5512