

New Jersey Commissioner of Education
Final Decision

E.A., on behalf of minor child, E.A.,

Petitioner,

v.

Board of Education of the Township of Jackson,
Ocean County,

Respondent.

The record of this matter, the hearing transcript, 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 petitioners failed to demonstrate that respondent's harassment, intimidation, or bullying (HIB) determination pertaining to minor child E.A. was arbitrary, capricious, or unreasonable.

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 20, 2025
Date of Mailing: October 20, 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

CORRECTED

INITIAL DECISION

OAL DKT. NO. EDU 14945-24

AGENCY DKT. NO. 303-9/24

E.A., ON BEHALF OF E.A.,

Petitioner,

v.

JACKSON TOWNSHIP BOARD OF

EDUCATION, OCEAN COUNTY,

Respondent.

Harriet K. Gordon, Esq., for petitioner (Law Office of Harriet Gordon, attorney)

Marc H. Zitomer, Esq., for respondent (Schenck, Price, Smith and King, LLP,
attorneys)

Record Closed: August 15, 2025

Decided: September 17, 2025

BEFORE **GAURI SHIRALI SHAH**, ALJ:

STATEMENT OF THE CASE

Respondent Jackson Township Board of Education upheld a harassment, bullying, or intimidation (HIB) determination against E.A., who repeatedly denigrated another student for her appearance and perceived obesity over the social media application

Snapchat. Must the HIB determination be upheld? Yes. A HIB incident means any act that is reasonably perceived as being motivated by an actual or perceived characteristic, such as race, color, gender, disability, or other distinguishing characteristics. N.J.S.A. 18A:37-14.

PROCEDURAL HISTORY

On June 27, 2024, respondent Jackson Township Board of Education (the Board) upheld a May 9, 2024, HIB determination against E.A., finding that the messages she sent electronically to the victim, E.G., disparaging and insulting her based upon her appearance and perceived obesity, constituted HIB. On September 13, 2024, petitioner E.A. (the mother), on behalf of her minor child, E.A., appealed the Board's decision to the Department of Education (DOE).

The DOE transmitted this case to the Office of Administrative Law on October 16, 2024, where it was received and filed the same day as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

On April 7, 2025, I held the hearing but kept the record open for the parties to obtain transcripts and provide post-hearing submissions. On August 15, 2025, after receipt of those submissions, I closed the record.

DISCUSSION AND FINDINGS OF FACT

Petitioner's appeal arose out of an April 16, 2024, incident that took place between E.A. and E.G., after school hours, and over the social media application Snapchat. At the time, both E.A. and E.G. were students at Jackson Liberty High School (Jackson). Petitioner provided the testimony of E.A., her mother, and her boyfriend, M.B., (boyfriend) at the hearing. The Board provided the testimony of Signe Meyres, a school counselor and HIB specialist at the school, and Dr. Lisa Godlesky (Dr. Godlesky), the Assistant Superintendent for the Jackson School District. Witnesses were sequestered for the duration of the hearing.

By way of background, E.A. testified that she and E.G. were friends in the past and had previously been in classes together. E.A. explained that while at school, on the day of the incident, her boyfriend commented on E.G.'s body habitus by stating "Hey fatass." The boyfriend's testimony was that he had only said that E.G. was "big," not fat. While testimony varied on what exact comments were made, all witnesses agreed that the boyfriend's comments related to E.G.'s size and/or weight. S.G., a friend of E.G., witnessed the encounter between the boyfriend and E.G.

Sometime later that day, E.A. started receiving texts from S.G. about the comments made by the boyfriend. E.A. advised S.G. that E.G. could reach out directly to her if she wanted to discuss the matter.

After school that day, E.A. went to Planet Fitness with her boyfriend, as she routinely did. According to E.A., she started receiving texts through Snapchat, a social media site, from E.G. while at the gym that day. Because her phone battery was low, she left the phone to charge in the locker room and continued her workout. When E.A. retrieved her phone, she saw additional messages from E.G. that she claimed were abusive and commented on her looks. Specifically, E.G. told E.A. to get plastic surgery, a comment E.A. explained was hurtful and directly fed into her insecurities, which were known to E.G. While E.A. testified that she made some comments back in response, she could not recall the content of any of the comments and whether she called E.G. fat. It was E.A.'s testimony that she only responded to the texts from E.G.

E.A. specifically denied, despite repeated questioning on cross-examination, having any recollection of the comments she made to E.G. or whether they related to E.G.'s weight or appearance. When confronted with the May 6, 2024, written statement she provided as part of the HIB investigation, where she admitted to making "rude statements," E.A. insisted that she only made the statement so she would not "get into trouble." (R-2 at 10.)

Additionally, E.A. testified that she did not have copies of the Snapchat messages because she had blocked E.G. on Snapchat that day and no longer had access to any messages. Notably, Snapchat is a platform where messages disappear after one day.

E.A. acknowledged, however, that screenshots of a message can be taken on Snapchat to preserve them, but that she did not do so. Snapchat also advises if another party has taken a screenshot of a message. E.A. denied knowing whether E.G. had taken screenshots of their April 16, 2024, Snapchat conversation.

On cross-examination, E.A. was confronted with copies of unredacted screenshots of a Snapchat text conversation. (R-2 at 17–19.) E.A., upon questioning, could not verify that it was her Snapchat account or that the conversation was between her and E.G.

The testimony of E.A.'s mother and boyfriend contradicted E.A.'s testimony. E.A.'s mother testified that E.A. had told her that she had called E.G. fat. Indeed, E.A.'s mother read into the record E.A.'s certified answers to interrogatories, including that: "no one condones name-calling, the fact is that E.G. did it to E.A. first, and when E.A. called E.G. fat it was a statement of fact" and that E.A., in her May 6, 2024, witness statement was "trying to explain that she shouldn't have called [E.G.] fat or overweight or told her to go to the gym". (P-6 at interrogatory 13 and 20.) The interrogatories were certified by E.A.'s mother on March 2, 2025, based on responses provided to her directly by E.A.

The boyfriend's testimony similarly contradicted E.A.'s testimony. Specifically, the boyfriend testified that he was with E.A. at the gym when the incident took place. He corroborated that E.A. received messages from E.G., and that she responded to these messages, and that he viewed the exchange by looking over E.A.'s shoulder.

The boyfriend, after being shown the unredacted Snapchat screenshots of a text conversation, confirmed that the Snapchat conversation looked familiar to him and was between E.A. and E.G. He also verified that the account shown on the screen was that of E.A., while the one referencing "Me" would have been that of E.G., who took the screenshots. The screenshots reference E.A. calling E.G. "fat ass" and telling her she should "go to the gym" and "loose [sic] some weight and you'll be happy too!" (R-2 at 017–019.) The screenshots further reference E.G.'s response to "get plastic surgery!" (R-2 at 017.) The screenshots document E.A. stating "no guy will want you with that personality of yours or that body so you should take some tips" and "are you walking up there with food in your hand cuz [sic] that's the only reason you get up." Ibid. The times

of the screenshots are 3:58 p.m. and 4:05 p.m., which correspond with the time that E.A. and the boyfriend were at the gym. Upon re-direct examination about the Snapchat text exchange, the boyfriend confirmed that “I can say that she [E.A.] definitely made a couple of them, but I can't say that she definitely said all of them.” Transcript of April 7, 2025, hearing at pages 135–136.

Respondent elicited the testimony of Signe Meyres, a guidance counselor and the Anti-Bullying Specialist (ABT) at Jackson since 2015. ABT Meyres conducted the underlying HIB investigation. ABT Meyres received training and continues to train annually on how to investigate and assess HIB matters. As such, Meyres is familiar with the Board's HIB policy and explained that it covers HIB incidents that occur either in school or off campus. (R-1 at Section B.)

ABT Meyres became aware of the April 16, 2024, incident from E.G.'s guidance counselor, who referred E.G. to her. As part of her investigation of the incident, ABT Meyres met with and interviewed E.G. E.G. advised Meyres that several girls, including E.A., were “fat-shaming” her. As part of her investigation of the April 16, 2024, incident, ABT Meyres obtained written statements from E.A., E.G., and S.G. (R-2 at 007, 010.)

Meyres explained that E.G. provided her with screenshots of Snapchat messages between her and E.A. from the April 16, 2025, incident. At the hearing, Meyres identified these screenshots, including each of the participants in the conversation. (R-2 at 017–019.) E.A. was identified by her first name, while the victim E.G. showed up as “Me” since the screenshots were taken by her from her own phone.

According to Meyres, during the investigation, she reviewed the content of the screenshots with E.A., and E.A. admitted she had made the comments in the screenshots to E.G. The screenshots establish that the Snapchat conversation between E.A. and E.G. occurred at 3:58 p.m. and 4:05 p.m. (R-2 at 017–019.) The screenshot of messages from 3:58 p.m. identifies that a screenshot was taken of the chat. During the interview with Myres, E.A. handwrote a statement of the April 16, 2024, incident, in which she admitted she made rude comments to E.G. and apologized for them. (R-2 at 010.) Despite the apology, Meyres testified that E.A. seemed unrepentant for her actions. As

a direct result of the April 16, 2024, incident, Meyres explained that E.G. came to guidance often, was emotionally unstable, was hurt, and missed class time.

Meyres also explained the process of HIB, which starts with her investigation and concludes with her placing all of the evidence and statements into HIBSTER, a computer program that Jackson uses to evaluate HIB complaints under the statutory framework. (R-2 at 001–002.) Based on her evaluation of the factors, Meyres concluded a HIB had occurred. The Jackson principal agreed with Meyres, and the report of HIB was forwarded to Assistant Superintendent Dr. Godlesky for her review.

In her role at Jackson, Dr. Godlesky reviews every HIB investigation in the school district before deciding whether to forward it to the Board as founded. Based on the investigation and her review of the same, Dr. Godlesky concluded that the HIB was founded and forwarded it to the Board. She testified that the required process and procedure was followed in this HIB matter, from the investigation to the finding of HIB. The Board affirmed the HIB finding on June 27, 2024. (R-3.)

Given this discussion of the facts, I **FIND** that the testimony of E.A. about the April 16, 2024, incident, which was contradicted by all witnesses as well as her own certified answers to interrogatories, to be wholly unpersuasive. I **FIND** that on April 16, 2024, E.A. engaged in an afterschool Snapchat text exchange with E.G. A portion of the Snapchat text exchange was preserved through screenshots taken by the victim, E.G., which were produced and verified at the hearing. I **FURTHER FIND** that E.A. sent at least three messages to E.G. through Snapchat that focused specifically on E.A.'s appearance and weight and demeaned her for being fat. The messages were perceived by E.G. to be related to her appearance, and specifically, her size, and affected her such that she missed class time. I **FURTHER FIND** that the Board's policy includes incidents that occur outside of school, including electronic communications, as conduct included in the definition of HIB.

DISCUSSION AND CONCLUSIONS OF LAW

The Legislature enacted the Anti-Bullying Bill of Rights Act (the Anti-Bullying Act) 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:37-13.1–13.2.

N.J.S.A. 18A:37-14 defines harassment, intimidation, or bullying as conduct that could be “reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students” and that:

- a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- b. has the effect of insulting or demeaning any student or group of students; or
- c. creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student.

[N.J.S.A. 18A:37-14.]

Under the definition of HIB, the incident may occur on school property, a school bus or at a school event or off-premises if the incident is reported to a school employee under N.J.S.A. 18A:37-15. Ibid. In turn, N.J.S.A. 18A:37-15 requires a school district to create policies that respond to HIB incidents that occur off school property and are reported to a school employee that are in accordance with the Anti-Bullying Act.

The Jackson School District's Policy 5512 essentially mirrors the language and intent expressed in the Anti-Bullying Act and provides for responses to HIB incidents that occur off-property, including those conducted electronically or cyberbullying. (R-2 at Section B.)

In this case, the incident occurred after school and over a social media application, Snapchat. Additionally, the incident was reported by the victim, E.G., to her guidance counselor. The screenshots of the Snapchat conversation provided by E.G. to the school also identify comments made by E.A.

Based on the Snapchat screenshots, which were corroborated by E.A.'s boyfriend and by ABT Meyres, E.A.'s comments were based on E.G.'s appearance, weight, and alleged obesity. Moreover, E.A. admitted in her certified answers to interrogatories that she had made comments to E.G. about her being fat and that "she needs to exercise." The investigation confirmed that E.G. reasonably perceived the Snapchat comments by E.A. to be based on an actual or perceived characteristic of her body weight and size, that E.G. was insulted and emotionally harmed by the incident, and that it impacted the educational process. I **CONCLUDE**, thus, that the April 16, 2024, conduct of E.A. constitutes HIB under N.J.S.A. 18A:37-14.

Generally, in matters involving the exercise of a board of education's discretion, the scope of the Commissioner's review is "not to substitute his judgment for that of those who made the evaluation but to determine whether they had a reasonable basis for their conclusions." Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 296 (App. Div. 1960). Our courts have held that "[w]here there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached." Bayshore Sewage Co. v. Dep't of Env'tl. Prot., 122 N.J. Super. 184, 199–200 (Ch. Div. 1973), aff'd, 131 N.J. Super. 37 (App Div. 1974). To satisfy the arbitrary and capricious standard, petitioner must prove that respondent acted in either bad faith or in disregard of the circumstances, and I **CONCLUDE** that petitioner has not met that burden of establishing that the finding

of HIB against E.A. upheld by the Board on June 27, 2024, was arbitrary, capricious, or unreasonable.

ORDER

In accordance with my conclusions above, I **ORDER** that the petition appealing the June 27, 2024, HIB finding is hereby **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, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

September 17, 2025

DATE



GAURI SHIRALI SHAH, ALJ

Date Received at Agency:

September 17, 2025

Date emailed to Parties:

September 17, 2025

GSS/nn

APPENDIX

Witnesses

For petitioner:

E.A.
M.B.
E.A. (E.A.'s mother)

For respondent:

Signe Meyres
Dr. Lisa Godlesky

Exhibits

For petitioner:

P-1 HIB petition
P-2 Not in evidence
P-3 E.A.'s statement dated May 8, 2024
P-4 M.B.'s statement
P-5 Emails between petitioner and respondent
P-6 Petitioner's answers to interrogatories
P-7A Correspondence between petitioner and respondent
P-7B Correspondence between petitioner and respondent
P-7C Correspondence between petitioner and respondent
P-7D Not in evidence
P-7E Correspondence between petitioner and respondent
P-7F Correspondence between petitioner and respondent
P-8 Not in evidence
P-9 Portions of the HIB investigative report

For respondent:

- R-1 Jackson Township Board of Education HIB Policy 5512
- R-2 HIBster Report #265549, investigation notes and redacted witness statements
- R-2A Not in evidence
- R-3 HIB resolution and letter from Board dated June 27, 2024