

New Jersey Commissioner of Education
Final Decision

C.M., on behalf of minor child, D.M.,

Petitioner,

v.

Board of Education of the Village of Ridgewood,
Bergen 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 that the Ridgewood Board of Education's harassment, intimidation, and bullying decisions involving petitioner's child were not 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

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDU 02698-25

AGENCY DKT. NO. 11-1/25

C.M. ON BEHALF OF MINOR

CHILD D.M.,

Petitioner,

v.

BOARD OF EDUCATION OF THE VILLAGE

OF RIDGEWOOD, BERGEN COUNTY,

Respondent.

C.M., petitioner, pro se

Arsen Zartarian, Esq., for respondent (Cleary, Giacobbe, Alfieri, Jacobs, LLC
attorneys)

Record Closed: August 15, 2025

Decided: September 18, 2025

BEFORE **PATRICE E. HOBBS**, ALJ:

STATEMENT OF THE CASE

Petitioner's son was accused of being intentionally verbally abusive to Victim One based on her race, causing her to cry and be fearful. Respondent investigated the incident and concluded that there was an incident of harassment, intimidation and bullying

(HIB) under the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13, et seq. (ABBRA). Petitioner filed a reciprocal HIB complaint against Victim One based on petitioner's anger issues. Respondent investigated and concluded that there was no HIB because anger issues were not characteristics identified under ABBRA. Should the respondent's findings be overturned? No. A school board acting within the scope of its authority is "entitled to a presumption of correctness unless it's arbitrary, capricious, or unreasonable." Thomas v. Bd. of Educ., 89 N.J. Super. 327, 332 (App. Div. 1965).

PROCEDURAL HISTORY

On June 15, 2024, a teacher at the Somerville Elementary School filed a HIB report (HIB I) alleging that D.M. used inappropriate racial language towards another student, Victim One. Respondent's Anti-Bullying Specialist (ABS) initiated an investigation into the alleged incident. On June 18, 2024, the ABS concluded that D.M. committed an act of HIB and submitted a report of her findings to the principal of the Somerville Elementary School. On June 19, 2024, the principal submitted that report to the Superintendent of Schools.

On August 27, 2024, C.M. submitted a HIB report (HIB II) to respondent against Victim One, alleging that Victim One was verbally abusive to D.M. because of his anger issues. On September 4, 2024, the ABS initiated an investigation into the alleged incident. On September 5, 2024, the ABS concluded that there was no HIB and submitted a report of her findings to the principal of the Somerville Elementary School. C.M. was notified of the findings and requested a hearing before the board under N.J.S.A. 18A:37-15(b)(6)(d). On October 14, 2024, a closed session hearing was held, and the Board unanimously affirmed the findings of HIB I and HIB II.

On January 6, 2025, petitioner C.M., on behalf of minor child D.M., filed a petition of appeal with the Commissioner of Education, Office of Controversies and Disputes. On January 30, 2025, respondent filed its answer. On February 5, 2025, the case was transmitted to the Office of Administrative Law as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -23.

On February 24, 2025, a prehearing conference was held, and on March 4, 2025, I entered an order outlining the deadlines for discovery and motions for summary decision. On June 5, 2025, respondent filed a motion for summary decision. On July 18, 2025, petitioner filed their opposition. On August 15, 2025, respondent filed its reply, and petitioner requested and was granted time to file a sur-reply. On September 2, 2025, petitioner declined to file a sur-reply, and, on that date, I closed the record.

FINDINGS OF FACT

Based upon the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following **FACTS**:

The Board operates the public school district for the Village of Ridgewood, New Jersey. There are six elementary schools, two middle schools and one high school. The Board enacted District Policy 5131.1, Harassment, Intimidation, and Bullying, in December 2009 to comply with the New Jersey Anti-Bullying Bill of Rights, N.J.S.A. 18A:37-13, et seq.

In June 2024, D.M. was a general education student and was enrolled in the fifth grade at Somerville Elementary School. On June 14, 2024, during recess, D.M. and several other students, including Victim One, were engaged in a game of kickball. Victim One approached D.M. and stated, "You have anger issues, you weird ass b****." In response, D.M. stated, "Shut your black ass up."

HIB I

Two of the students who witnessed the exchange of words between D.M. and Victim One reported it to Jaclyn Grippaldi, a teacher at Somerville Elementary School. Grippaldi completed the HIB 338 Form. (R-A.) On June 15, 2024, the HIB 338 form was sent to Principal Lorna Oates-Santos and forwarded to Anti-Bullying Specialist Jane Gerald. (R-B.) On June 18, 2024, Gerald completed her investigation and prepared her report for Oates-Santos. (R-C.)

On June 17 and June 18, 2024, Gerald interviewed Grippaldi, D.M., Victim One, and four other elementary school students. D.M. admitted that he told Victim One to “shut your black ass up.” The witnesses confirmed that they did hear the words “black ass” and confirmed that Victim One did say that D.M. had “anger issues.” Gerald concluded that the comment “black ass” was clearly motivated by race and that Victim One was upset and crying because of the comment. Gerald further concluded that there was an incident of HIB by D.M. and recommended disciplinary counseling. On June 19, 2024, Oates-Santos concurred and forwarded the report to Superintendent of Schools Mark Schwarz.

HIB II

On June 19, 2024, C.M., father of D.M., prepared HIB 338 (R-D) and submitted it to Oates-Santo and several other employees at Somerville Elementary School. On July 2, 2024, Richard Freedman acknowledged receipt of the HIB Form 338 and notified C.M. that they received the report, school was in recess, the investigation will be completed at the start of the new school year, and the investigation would be conducted by Meagan Papapietro, the anti-bullying specialist at the Benjamin Franklin Middle School, where all students would be registered. (Petition at 36.)

The HIB 338 form completed by C.M. iterates that the students were all playing kickball, and at the conclusion of the game, D.M. was in an emotional state; that Victim One stated, “You have anger issues, you weird ass b****,” and that D.M. responded, “Shut your black ass up”; that D.M. was visibly shaking and could not eat lunch; that D.M. did not return to class for the remainder of the day; and that D.M. had interaction issues with his friends and family after the incident. (R-D.)

On August 27, 2024, Papapietro acknowledged receipt of HIB 338, and on September 4, 2024, she began her investigation. Papapietro interviewed Victim One, D.M., one student witness and Oates-Santos. On September 5, 2024, Papapietro concluded that Victim One did say “you have anger issues”; D.M. did say “shut your black ass up”; D.M. does not typically exhibit angry behavior; neither Victim One nor D.M. was angrier than the other; Victim One and D.M. have not had any prior negative interactions;

and D.M.'s mother came to the school unsolicited and voluntarily removed D.M. from school on the date of the incident. D.M. stated he was able to return to school and attend normal end-of-school activities without any expectation of physical or emotional harm, and that he was able to start middle school without any expectation of physical or emotional harm. D.M. does not describe himself as an angry person. There was no documented disability or prior incident citing anger as a distinguishing characteristic in any of D.M.'s school records, and none of D.M.'s classmates described D.M. as an angry person or that D.M. angers easily. Papapietro concluded that the anger as complained of here was not a distinguishing characteristic. Papapietro also concluded that D.M. was able to complete the rest of his day as a normal day and attended all 2024 year-end school-related events. Papapietro further concluded that there was no incident of HIB against D.M. and recommended disciplinary counseling for both D.M. and Victim One. Principal Wisniewski concurred and forwarded the report to Schwarz.

On September 30, 2024, Schwarz presented both reports to the Board. At the request of the parents of D.M., on October 14, 2024, the Board held a hearing on HIB I and HIB II, heard testimony from the parents of D.M., considered the reports of HIB I and HIB II, and unanimously adopted both reports.

CONCLUSIONS OF LAW

Summary decision "may be rendered if no genuine issue of facts exist and the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5(b). This rule is substantially like the summary judgment rule embodied in the N.J. Court Rules, R. 4:46-2. See Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954). All inferences of doubt are drawn against the movant and in favor of the non-movant. Id. at 75. The judge's function is to determine whether genuine issues of fact must be adjudicated. Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995).

Having read the briefs and certifications and having reviewed the exhibits, I **CONCLUDE** that no issues of fact exist and that the case is ripe for summary decision.

The Anti-Bullying Bill of Rights Act (“Act”), 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 [HIB] of students that occur in school and off school premises.”

A finding of HIB requires three elements. First, the conduct must be reasonably perceived as being motivated by any actual or perceived enumerated characteristic or other distinguishing characteristic. Enumerated characteristics include race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, mental, physical or sensory disability, or any other distinguishing characteristic. Second, the conduct must substantially disrupt or interfere with the rights of other students or the orderly operation of the school. Third, one of the three criteria enumerated in the Act regarding the effect of the conduct must also be satisfied. N.J.S.A. 18A:37-14. The conduct must also take place on school property, at a school-sponsored function, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-15.3. Finally, HIB means any gesture, any written, verbal or physical act, or any electronic communication that “a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student,” “has the effect of insulting or demeaning any student,” or “creates a hostile educational environment.” N.J.S.A. 18A:37-14.

When a local board of education acts within its discretionary authority, its decision is entitled to a presumption of correctness and 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). Furthermore, “where there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration,” and the commissioner will not substitute his judgment for that of the board. Bayshore Sewerage Co. v. Dep’t of Env’t. Prot., 122 N.J. Super. 184, 199 (Ch. Div. 1973).

There is no dispute that D.M. said, “Shut your black ass up.” There is no dispute that this statement is based on Victim One’s race. There is also no question that race is one of the enumerated characteristics of N.J.S.A. 18A:37-13 et seq. The incident

occurred on school property, caused Victim One to become visibly upset and cry, and disrupted Victim One's education because of the emotional harm. I **CONCLUDE** that D.M.'s statement to Victim One was an incident of HIB because it was motivated by Victim One's race, took place on school property, disrupted her rights, and caused her to become emotionally harmed, as she was visibly upset and crying.

The incident was immediately reported to Grippaldi, who completed and submitted a HIB form, triggering an investigation. The very next day, Gerald interviewed all the student witnesses and Grippaldi. D.M. and Victim One admitted to both statements. Gerald concluded her investigation within four days of the incident and reported her findings to the Oates-Santos, who promptly forwarded the report to Schwarz.

HIB II filed on behalf of D.M. alleges an incident of HIB because D.M. was visibly upset, and that this was a vulnerable characteristic that was exploited by Victim One. There is no dispute that D.M. was angry. However, anger is not an enumerated characteristic. D.M., Victim One and other students concur that D.M. does not normally exhibit angry behavior, does not have a reputation of being angry and does not anger easily. D.M. has no history of angry behavior and no documented disability for anger issues. Although D.M. was removed from school on the day of the incident voluntarily by a parent and not at the behest of school personnel, D.M. reported that he had a normal day after the incident. D.M. also confirmed that he felt safe going to school and had no issues crossing paths with Victim One while at school. I **CONCLUDE** that Victim's One statement to D.M. was not an incident of HIB because anger is not an enumerated characteristic.

HIB II was filed while the school was in recess for the summer. Schwarz acknowledged receipt of the HIB II complaint and confirmed that the incident would be investigated; however, it would be investigated by the receiving school, Benjamin Franklin Middle School, because all the students would be at that school. Once school resumed for the fall, Papapietro investigated the complaint and concluded her investigation within one day. She reported her findings to Wisniewski, which were relayed to Schwarz on September 14, 2024.

HIB I and HIB II were thoroughly and timely investigated by Gerald and Papapietro. The parents of D.M. requested a hearing to present their case to the Board. The Board considered the reports of HIB I and HIB II and the testimony of the parents and affirmed the findings in HIB I and HIB II. The Board complied with the Statute. It retained an anti-bullying investigator at both schools. HIB I and HIB II were reported to the investigator, were promptly investigated, and the results were promptly reported to the parents. The investigation concluded that there was a violation in HIB I and that there was no violation in HIB II. The statute permits the Board to affirm, reject, or modify the investigator's decision, which it did. The Board heard the parents' appeal and affirmed the determinations made. I **CONCLUDE** that the Board did not act arbitrarily, capriciously or unreasonably in affirming HIB I and HIB II.

ORDER

I **ORDER** that respondent's motion for summary decision is **GRANTED**, and the petition 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.

September 18, 2025

DATE



PATRICE E. HOBBS, ALJ

Date Received at Agency:

September 18, 2025

Date Mailed to Parties:

September 18, 2025

APPENDIX

Moving Papers for Petitioner:

Brief of petitioner in support of Opposition to Motion for Summary Decision, dated July 18, 2025

Moving Papers for Respondent:

Brief of respondent, Ridgewood Board of Education, in support of Motion for Summary Decision, dated June 5, 2025, with Exhibits A through J
Letter, dated August 12, 2025, with more legible Exhibits D, E and F
Reply Brief, dated August 15, 2025.

Exhibits

For Petitioner

Petition (need proper designation)

For Respondent:

Exhibit A	Ridgewood Public Schools HIB 338 LEA Form, dated June 14, 2024
Exhibit B	Ridgewood Public School's HIB 338 Family Form, dated June 15, 2024
Exhibit C	Ridgewood Public School's HIB Anti-Bullying Specialist Investigation Report regarding the HIB report, dated June 18, 2024
Exhibit D	Petitioner's HIB 338 Family Form, dated June 18, 2024
Exhibit E	Ridgewood Public Schools HIB Incident Tracking Form, dated August 27, 2024
Exhibit F	Ridgewood Public School Anti-Bullying Specialist Investigative Report, dated September 5, 2024
Exhibit G	Emails between petitioner and respondent regarding the October Board of Education meeting
Exhibit H	Ridgewood Public School Board Resolution X.A. regarding HIB I

Exhibit I Ridgewood Public School Board Resolution X.B. regarding HIB II

Exhibit J Ridgewood Public School Board voting records and minutes from the
October 14, 2024 meeting