

New Jersey Commissioner of Education
Final Decision

Joneé Davis-Pierre,

Petitioner,

v.

Board of Trustees of the Benjamin Banneker
Preparatory Charter School, Burlington County,

Respondents.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) for the reasons stated in the Initial Decision that the petition must be dismissed for lack of jurisdiction. The dispute between the parties does not arise under the school laws of this state. *N.J.S.A. 18A:6-9*.

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 24, 2025
Date of Mailing: October 27, 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 03741-25

AGENCY DKT. NO. 10-1/25

JONEE DAVIS-PIERRE,

Petitioner,

v.

BOARD OF TRUSTEES

OF THE BENJAMIN BANNEKER

PREPARATORY CHARTER SCHOOL,

Respondent.

Jonee Davis-Pierre, petitioner, pro se

Stefani Schwartz, Esq., for respondent (Hatfield Schwartz Law Group, LLC,
attorneys)

Record Closed: August 21, 2025

Decided: September 19, 2025

BEFORE **DEIRDRE HARTMAN-ZOHLMAN**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner Davis-Pierre (petitioner or Davis-Pierre) seeks to challenge by way of a petition of appeal to the Commissioner of Education (Commissioner) a decision by the

respondent, Board of Trustees of the Benjamin Banneker Preparatory Charter School (respondent or Board) to allow the Chief Administrator, Richard Wilson (Wilson), to disband the Parent Teacher Organization (PTO).

On December 16, 2024, petitioner filed a formal complaint against the Board with the Commissioner of Education, seeking the following as relief: (1) reinstatement of the PTO and the previous PTO bylaws, (2) amendment to Policy 9210 to prevent the Chief Administrator from being able to remove a parent at any time without just cause, (3) prevention of the October bylaw amendments from being reinstated in the future, and (4) appointment of an unbiased, third-party mediator to handle matters between parents and staff. The matter was then transmitted to the Office of Administrative Law (OAL) on or about February 24, 2025. The same day, respondent filed a motion to dismiss in lieu of an answer. On or about July 30, 2025, petitioner filed a brief in opposition to the motion. Respondent then filed a response on August 14, 2025. The Board asserts that the petitioner does not have jurisdiction. Respondent's motion to dismiss the matter is now before the tribunal.

FACTUAL DISCUSSION

For the reasons set forth below, the Board's motion must be granted, and the petition must be dismissed.

Based upon the certification and documentary evidence, I find the following **FACTS**:

1. At all relevant times, petitioner Jonee Davis-Pierre served as a co-president of the Benjamin Banneker Preparatory Charter School's (BBPCS) PTO. (Respondent's Motion to Dismiss in Lieu of an Answer at 1.)

2. On September 27, 2024, on what was known as “Grandparents Day,” petitioner was involved in a verbal altercation¹ with Tiara Upshur. Upshur is the goddaughter of Wilson, the Chief Administrator. (Id. at 11–15.)
3. On October 2, 2024, petitioner met with the principal of the BBPCS, Lisa Martinez, for what was described as a “mediation . . . for the concerns regarding the events surrounding Grandparent’s Day.” (Id. at 16.)
4. On October 7, 2024, Wilson sent a letter to the petitioner informing her that she had violated Board Policy 9230 (addressing parental accountability) because something she said at the meeting on October 2, 2024, had been interpreted as threatening. (Petition at 17.)
5. On October 9, 2024, Wilson’s assistant informed petitioner that practically all PTO activities were suspended until new bylaws were passed by the Board, and that they could resume on October 28, 2024. (Id. at 18.)
6. Petitioner was very surprised by this letter and the decision to suspend all PTO activities, and (1) argued that the plan for the Board of Trustees to amend the bylaws would violate bylaw article VI, which required any amendment to be approved by two-thirds of the PTO member vote, and (2) disputed the basis for her alleged violation of Board Policy 9230, as her statements that were supposedly a threat had been taken out of context and she was simply referring to potentially filing a complaint against Wilson. (Id. at 19–20.)
7. On October 22, 2024, the Board amended article VI, which covered bylaw amendments. Prior to the amendment, amendments could only be made via a two-thirds vote from PTO members. (BBPCS PTO Bylaws (Aug. 2022

¹ Based on the text messages included in the petition, a group of grandparents was waiting for the school event to start, and it was only four minutes until the start time. (Petition at 11–15.) Allegedly, petitioner asked Upshur, a staff member, if the grandparents could wait inside, as it was raining, but the staff member responded that they could go sit in their car. (Ibid.) Apparently, afterwards, some grandparents expressed concern about Upshur’s conduct, which petitioner also felt was unprofessional. (Ibid.)

Revision); Petition at 23.) After the amendment, the “bylaws may be amended by the BBPCS Board of Trustees.” (BBPCS PTO Bylaws (Oct. 2024 Revision); Petition at 26.)

8. On October 22, 2024, the Board also amended Board of Trustees Policy 9210, “Parent Organizations,” as it related to the school’s relationship with the PTO and how that relationship might be terminated. (Respondent’s Motion at 2.) Prior to the amendment, the relevant section of Policy 9210 provided that the Board “reserve[d] the right to withdraw recognition from any parent organization whose actions are inimical or unfavorable to the interests of the mission and vision of this school.” (BBPCS Policy 9210 (June 2017 Revision); Petition at 39.) The new version, however, stated that “[t]he Chief School Administrator reserves the right to disband any parent organization, at will, whose actions are inimical to the interests of the school and the students of this school.” (BBPCS Policy 9210 (Oct. 2024 Revision); Petition at 40.)
9. On or about October 30, 2024, petitioner notified the local county board of education of her concerns regarding Wilson’s conduct. The following day, Wilson sent an email letter to petitioner informing her that he was aware of the allegations and that, after the book fair concluded on November 15, 2024, all PTO activities would again be suspended until an investigation could be completed. (Petition at 34.)
10. On November 21, 2024, Wilson informed the petitioner that he had concluded his investigation after consulting with the county board of education and the School Ethics Commission. (Id. at 35.) He explained that, effective immediately, he was disbanding the PTO per Board Policy 9210 and relieving all officers of their duties. (Ibid.)
11. Petitioner replied the same afternoon, inquiring how it was not a conflict of interest for Wilson to investigate himself, and sought additional details about the investigation. (Id. at 36–37.) Wilson’s executive assistant replied,

stating that “[p]er Mr. Wilson, no additional information will be provided, as there is no longer a PTO.” (Id. at 38.)

PARTIES’ ARGUMENTS

I. The respondent

Respondent’s fundamental argument is that petitioner has failed to raise an issue that is within the purview of the Office of Controversies and Disputes (OCR) to review, relying on N.J.S.A. 18A:6-9. It argues that petitioner has cited no statute, regulation, or rule that falls under the school laws and rather that this is a private dispute between Wilson and a disgruntled former PTO co-president who is unhappy with Wilson’s decision to disband the PTO and create a new organization that could better support the school and its students. Additionally, the respondent asserts that BBPCS Policy 9210 is not a school law over which the OCR has jurisdiction.

II. The petitioner

Petitioner argues that this is not a private grievance, but a controversy involving the exercise of public authority under school policy that is reviewable by the OCR.² After she expressed concern about Upshur’s behavior, she asserts that she “experienced a series of abrupt actions that appear retaliatory, procedurally improper, and contrary to the [PTO]’s governing documents and the applicable school policies.” These actions include suspending PTO activities, proposing bylaw amendments, amending Board policy to expand administrative control over the PTO, and ultimately disbanding the PTO without any transparency or procedural safeguards. Thus, petitioner asserts that the matter concerns legal questions that fall within the Commissioner’s jurisdiction.

² Petitioner also argues that respondent’s actions were a violation of the New Jersey Parents’ Bill of Rights Act, S4234. This bill has been introduced to the New Jersey Senate; it was referred to and remains in the Senate Education Committee. Accordingly, this is not addressed herein.

LEGAL DISCUSSION

I. Applicable Legal Standards and the Board's Founding Charter

a. Motions to Dismiss for Lack of Jurisdiction before the OAL

The rules of procedure governing petitions of appeal filed with the Commissioner of Education permit a respondent to submit a motion to dismiss in lieu of an answer “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.; N.J.A.C. 6A:3-1.5(g).

b. Jurisdiction of the New Jersey Commissioner of Education

The Commissioner of Education has limited jurisdiction to hear certain controversies and disputes. Namely, “[t]he commissioner shall have jurisdiction to hear and determine, without cost to the parties, all controversies and disputes **arising under the school laws**, excepting those governing higher education, or under the rules of the State board or of the commissioner.” N.J.S.A. 18A:6-9 (emphasis added). Thus, just because a matter relates to the schools or school personnel does not mean that it arises under the New Jersey school laws. Bd. of Educ. v. Twp. Council of East Brunswick, 48 N.J. 94, 102 (1966) (stating that, if a controversy does not arise under the school laws, it is outside the Commissioner's jurisdiction even though it may pertain to school personnel).

c. The New Jersey School Laws and Charter Schools

Portions of the school laws address the operations of charter schools. Under N.J.S.A. 18A:36A-11, “[a] charter school shall operate in accordance with its charter and the provisions of law and regulation which govern other public schools” N.J.S.A. 18A:36A-11(a). In terms of governance, “[t]he board of trustees, upon receiving a charter from the commissioner, shall be deemed to be public agents authorized by the State Board of Education to supervise and control the charter school.” N.J.S.A. 18A:36A-3. As

far as the authority held by a board of trustees, “[t]he [board] shall have the authority to decide matters related to the operations of the school including budgeting, curriculum, and operating procedures, subject to the school’s charter.” N.J.S.A. 18A:36A-14(a).

As far as filing complaints concerning board actions, under N.J.S.A. 18A:36A-15:

[a]ny individual or group may bring a complaint to the board of trustees of a charter school alleging a violation of the provisions of this act. If, after presenting the complaint to the board of trustees, the individual or group determines that the board of trustees has not adequately addressed the complaint, they may present that complaint to the commissioner who shall investigate and respond to the complaint. The board shall establish an advisory grievance committee consisting of both parents and teachers who are selected by the parents and teachers of the school to make nonbinding recommendations to the board concerning the disposition of a complaint.

[N.J.S.A. 18A:36A-15.]

d. The Board’s Charter

The founding charter of the BBPCS states that “[o]ur school is designed to include a parent partnership which will enable them to become totally involved in their child’s educational growth.” (BBPCS Charter at 65.) Thus, a “family partnership will be formed that strongly encourages a parent to commit to participate in their child’s education and the life of the school. Whether it is assisting with administrative duties, assisting in the classroom, helping with fundraising, or leading parent workshops, each parent will be encouraged to devote time to the overall ventures of the school.” (Ibid.)

Under the subsection entitled “Volunteers,” the charter states that “parents of enrolled students will be encouraged to volunteer at least 10 hours in the operation of the school. This may include being a part of the Banneker Prep Parent Teacher Association (BPPTA), administrative efforts, organiz[ation] and operat[ion] [of] extra curricular activities, and additional fundraising efforts.” (Ibid. (emphasis added).)

LEGAL ANALYSIS AND CONCLUSION

The rules of procedure governing petitions of appeal filed with the Commissioner permit a respondent to submit a motion to dismiss in lieu of an answer “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; N.J.A.C. 6A:3-1.5(g). However, these education rules do not offer any guidance on the standards by which such motions should be assessed.

The Uniform Administrative Procedure Rules (UAPR) also do not include such standards but provide that, “[i]n the absence of a rule, a judge may proceed in accordance with the New Jersey Court Rules, provided the rules are compatible with” the UAPR, which are designed “to achieve just results, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.” N.J.A.C. 1:1-1.3(a).

Here, the court rule that fills the void is R. 4:6-2, which, like N.J.A.C. 6A:3-1.5(g) and N.J.A.C. 6A:3-1.10, allows for motions to dismiss. Additionally, since R. 4:6-2 serves the interests of time and expense and may help achieve just results, it is compatible with the UAPR’s purposes, and thus it is appropriate to assess the Board’s motion to dismiss in lieu of an answer under the standards used by the courts in applying R. 4:6-2.

Under these standards, if the basis for a motion to dismiss is that the petition has advanced no cause of action, or failed to state a claim upon which relief may be granted, “the test for determining the adequacy of [the] pleading [is] whether a cause of action is ‘suggested’ by the facts,” such that the “inquiry is limited to examining the legal sufficiency of the facts alleged on the face of the complaint.” Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989) (citing R. 4:6-2(e); Velantzas v. Colgate-Palmolive Co., 109 N.J. 189, 192 (1988); Rieder v. Dep’t of Transp., 221 N.J. Super. 547, 552 (App. Div. 1987)).

There is no specific school law that addresses PTOs, much less one that requires charter schools to have a PTO as a means of advancing the charter school’s goals. Here,

petitioner's failure to articulate a specific school law which addresses Wilson's, and by extension, respondent's conduct suggests that the matter does not arise under the school laws pursuant to N.J.S.A. 18A:6-9. As stated above, simply because a matter involves school personnel or school-related issues does not mean it arises under the school laws of New Jersey.

Petitioner relies on N.J.S.A. 18A:36A-15, which allows individuals to bring complaints alleging violations of the Charter School Act. However, that provision requires a showing that the board's conduct violated the charter school statute itself—not simply that parents disagree with governance decisions affecting a voluntary parent group. Moreover, petitioner did not first present her complaint to the Board of Trustees as the statute requires. Even if she had, the claim still falls outside the Act because N.J.S.A. 18A:36-15 is aimed at violations of statutory charter requirements, not internal PTO bylaws or board policies.

It is noted that a charter school is required to operate in conformity with its charter. See N.J.S.A. 18A:36A-11(a). Assuming *arguendo* that petitioner asserted that disbanding the PTO undermines the "family partnership" language in the Board's charter, that language is aspirational rather than mandatory. It encourages parents to commit volunteer hours, which may include PTO membership, but it does not require the existence of an elected PTO with protected officer roles. Nothing in the Board's founding charter specifically addresses PTOs or guarantees that one will be created, or that parents have a right to serve as executive officers within the organization, so respondent's actions cannot be said to violate the charter.

Lastly, petitioner's framing of the issue as a "governance controversy" is equally unavailing. While the Board's actions in amending bylaws, revising policies, and disbanding the PTO are governance decisions, they concern the relationship between the school and a voluntary parent group, not governance of the school itself in areas such as curriculum, budgeting, or operations. The Commissioner has jurisdiction over the latter, but not the former.

Accordingly, while the petitioner may rightfully feel aggrieved by the actions taken by the respondent and Wilson, no school laws were violated that rise to a dispute subject to the Commissioner's review. Having reviewed the parties' submissions in support of and in opposition to the within motion, I **CONCLUDE** that the Board's motion to dismiss must be granted, and the petition must be dismissed.

ORDER

It is therefore hereby **ORDERED** that the Board's motion must be granted, and the petition must be dismissed for lack of jurisdiction. It is **FURTHER ORDERED** that this appeal be **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 19, 2025

DATE



DEIRDRE HARTMAN-ZOHLMAN, ALJ

Date Received at Agency:

Date Mailed to Parties:

DHZ/sa/jm