

123-26  
OAL Dkt. No. EDU 02764-25  
Agency Dkt. No. 9-1/25

**New Jersey Commissioner of Education**  
**Final Decision**

W.C., on behalf of minor child, S.C.,

Petitioner,

v.

Board of Education of the Borough of Sayreville,  
Middlesex 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 petitioner failed to establish that the Sayreville Board of Education's harassment, intimidation, and bullying determination 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.<sup>1</sup>



COMMISSIONER OF EDUCATION

Date of Decision: April 7, 2026

Date of Mailing: April 7, 2026

---

<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDU 02764-25

AGENCY DKT. NO. 9-1/25

**W.C. ON BEHALF OF S.C.,**

Petitioners,

v.

**BOROUGH OF SAYREVILLE BOARD  
OF EDUCATION, MIDDLESEX COUNTY,**

Respondent.

---

**W.C.**, pro se

**Marc G. Mucciolo**, Esq., for respondent (The Busch Law Group, attorneys)

Record Closed: January 9, 2026

Decided: February 2, 2026

BEFORE **NICOLE T. MINUTOLI**, ALJ:

**STATEMENT OF THE CASE**

Respondent upheld a harassment, bullying, or intimidation (HIB) determination, finding that on October 8, 2024, and October 23, 2024, petitioner's daughter, S.C., was not a victim of HIB. Should the HIB conclusions stand? Yes. Respondent's

determinations are entitled to a presumption of correctness, and petitioners have not established that the decisions were arbitrary, capricious, or unreasonable.

### **PROCEDURAL HISTORY**

On December 18, 2024, respondent, Sayreville Board of Education (Board), upheld a November 20, 2024, finding that S.C. was not a victim of HIB on October 8, 2024, or October 23, 2024. On January 7, 2025, petitioner W.C., on behalf of S.C., appealed the Board's decision of December 18, 2024, to the Department of Education (DOE). The DOE transmitted the matter to the Office of Administrative Law (OAL), where it was filed on February 5, 2025, to be heard as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

After several prehearing conference calls with the Honorable Sarah Surgent, the matter was transferred to me on or about June 9, 2025. During my first prehearing conference on July 23, 2025, I was advised that petitioner's Motion to Dismiss with Prejudice filed on or about April 1, 2025, remained undecided. After reviewing the petitioner's motion and respondent's opposition, I denied the motion by order dated July 29, 2025.

On September 30, 2025, I held the hearing but kept the record open for the parties to obtain transcripts and provide post-hearing submissions. I closed the record on January 9, 2026.

### **DISCUSSION AND FINDINGS OF FACTS**

Based upon a review of the testimony and the documentary evidence presented and having had the opportunity to observe the demeanor and assess the credibility of the witnesses who testified, I **FIND** the following pertinent **FACTS** and accept as **FACT** the testimony set forth below.

S.C. attended preschool at Project Before at Selover's (Selover) for the 2024–2025 school year. Selover's preschool program is for three- and four-year-olds. There are approximately fifteen children in each preschool classroom.

Nina Obryk (Obryk) is the principal at Selover, Dr. Ricard Labbe (Labbe) is the superintendent of the Sayreville Public School District (District), and Kathleen McDade (McDade) is the District's anti-bullying specialist. (P-13.)

Obryk has worked in the education sector for thirty years and served as principal at Selover for four years. As principal, Obryk assists, answers questions, and, when necessary, conducts HIB investigations in consultation with McDade.

On October 18, 2024, W.C. filed a HIB complaint regarding the incident that occurred on October 8, 2024. During this time, S.C. was three years old. In the HIB complaint, W.C. alleged that on or about October 8, 2024, Student A inappropriately touched his daughter, S.C., while on the playground and in the classroom.<sup>1</sup> W.C. said S.C. was visibly upset and didn't want to return to school. (P-13.)

Obryk sent the HIB complaint to McDade, and on October 18, 2024, Obryk began conducting the HIB investigation herself, in consultation and collaboration with McDade, who had training assigned for the days when the investigation was to be initiated. (R-1.)

Obryk began her investigation by reviewing video footage from throughout the building from October 8, 2024, to determine whether S.C. and Student A interacted. There are cameras in the hallways, gymnasium, and playground, but not in individual classrooms. Obryk did not find any interactions between S.C. or Student A on October 8, 2024, in the video footage. (R-1.)

---

<sup>1</sup> While W.C. testified that S.C. told him that Student A hit her in the buttocks four times on October 8, 2024, the HIB report states that this happened on October 23, 2024. The HIB report did not specify which type of physical actions against S.C. allegedly occurred on October 8, 2024.

Next, Obyrk interviewed S.C.'s teacher, Renee Lujo (Lujo), the Classroom Paraprofessional, Shannon Elardo (Elardo), and S.C.'s physical education teacher, Jackie Burns (Burns).

Lujo did not recall any interactions between S.C. and Student A. S.C. and Student A do not sit near each other, are not in the same small groups, and do not rest near each other. (ibid.) S.C. and Student A are not friends and choose not to play together. There have not been any issues between the two. (ibid.) Lujo reported that S.C. has made several additional allegations against other students; however, these incidents were witnessed by adults and found to be untrue.

First, on October 22, 2024, during a Creative Movement class, a student grabbed a handful of grass and threw it into the air. (R-1.) S.C. shouted, "stop touching me," and told the teachers, "he hit me." Elardo observed the student's actions and then spoke to S.C. about the importance of telling the truth.

Second, on October 23, 2024, S.C. accused another student of hurting her stomach. However, it was observed that a student walked past S.C. to put something in their cubby while S.C. was in line, without any physical contact. (ibid.)

Third, on October 23, 2024, S.C. alleged that Student A smacked her four times on her buttocks and back. (P-3.) W.C. filed a second HIB complaint alleging this. On or about October 24, 2024, Obyrk contacted W.C. and advised that the second HIB complaint had been reviewed and would be included in the previously reported HIB incident, as it involved the same participants and the same complaint. (P-10.)

Fourth, on October 25, 2024, S.C. accused another student of throwing and breaking something. When asked how she knew the student broke it, S.C. didn't answer. When S.C. was asked again whether she saw the other student throw something, she stated no. (R-1.)

Obyrk interviewed Elardo, who did not witness any interactions or physical contact between S.C. and Student A. (ibid.)

Obryk interviewed Burns, who stated that she had never witnessed any interaction between S.C. and Student A. Burns reported that Student A does not “notice or acknowledge S.C.” (Ibid.)

Obryk then interviewed S.C. by asking non-direct questions, because, in Obryk’s experience, asking a three-year-old a direct question about physical contact is not age-appropriate and may plant a seed regarding a specific event.<sup>2</sup> Obryk asked S.C. about her friends and anyone who made her sad. S.C. reported that Student A makes her sad because “[he] hurt my hand, leg and feet.” (Ibid.) Obryk followed up by asking how Student A did that, but S.C. didn’t respond. Obryk then asked S.C., “How did [Student A] hurt your foot?” S.C. responded, “[Student A] drew on my legs.” (Ibid.)

After S.C.’s interview, Obryk spoke to several school employees and questioned them about the mark on S.C.’s legs. All reported that S.C. and Student A were completely separated and had no interactions. Additionally, dry-erase markers were used during the creative literacy class, but S.C. and Student A were not at the same table when the markers were used, so there would be no physical means by which Student A could have done it. (Ibid.)

Obryk interviewed Student A, who stated that he knows he shouldn’t hit people and that he doesn’t. (Ibid.)

Upon completion of the investigation, Obryk and McDade concluded that the allegations of physical contact by another student were insufficient for a finding of HIB. That is, the alleged actions against S.C. were not motivated by a distinguishing characteristic, and W.C.’s HIB complaints were unfounded because they were not corroborated by witnesses and were not corroborated by S.C. during her interview. Obryk input the investigation into the HIB report.

---

<sup>2</sup> The school nurse was present during S.C.’s interview.

On or about October 30, 2024, Obryk then sent the determination to Dr. Labbe. (R-1.) Dr. Labbe has served as the superintendent/chief school administrator of the District for approximately twelve years. He confirmed that the District's HIB policy aligns with the State HIB policy.

Upon receiving the HIB investigation determination, Labbe met Obryk and McDade. During the meeting, Obryk and McDade explained that the investigation could not corroborate S.C.'s allegations or any direct interactions between S.C. and Student A. Dr. Labbe agreed with the determination that HIB could not be substantiated.

On the same day, and upon request, Obryk also sent W.C. a copy of the preliminary notification regarding the outcome of the HIB investigation. (P-12.)

During the November 19, 2024, Board meeting, Dr. Labbe reported the findings of the HIB investigation to the Board. (R-2.) By letter dated November 20, 2024, W.C. was advised that the Board approved the HIB findings and recommendations. (Ibid.) In the same letter, W.C. was informed of his appeal rights, specifically:

Thus, in accordance with the provisions of N.J.S.A. 18A:37-15(b)6, if you disagree with the action taken by the district you may request a hearing before the Board of Education. The hearing shall be held within ten days of the request. . . .

[R-2.]

On or about November 27, 2024, W.C. appealed the Board's HIB determination. (P-4.) On December 2, 2024, Dr. Labbe confirmed receipt of W.C.'s request and advised W.C. that the next scheduled Board meeting was on December 17, 2024. (Ibid.) Dr. Labbe was unable to schedule a board meeting prior to December 17, 2024, because he could not obtain a quorum. W.C. requested to attend the Board meeting virtually, rather than in person. (Ibid.) W.C. attended the December 17, 2024, board meeting virtually and presented his appeal. (Ibid.)

By letter dated December 18, 2024, Dr. Labbe advised W.C. that the Board affirmed the HIB determination. (R-3.)

### **DISCUSSION AND CONCLUSIONS OF LAW**

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 of students that occur in school and off school premises.” N.J.S.A. 18A:37-13.1(f). Under the Act, “harassment, intimidation or bullying” (HIB) is defined as:

[A]ny gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is 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.]

Each school district must adopt a policy that prohibits HIB and provides for a prompt response to any alleged HIB incident. N.J.S.A. 18A:37-15(a). Once an alleged HIB incident is reported to the school principal, the principal or their designee must initiate an investigation within one school day of receiving the report. N.J.S.A. 18A:37-15(b)(6)(a). A school anti-bullying specialist shall conduct the investigation, which must be completed within ten school days from the date of notification of the incident. Ibid. The results of the investigation shall then be quickly reported to the superintendent of schools, who may take certain remedial action. N.J.S.A. 18A:37-15(b)(6)(b). The results shall also be reported to the board of education “no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent.” N.J.S.A. 18A:37-15(b)(6)(c).

Under the Act, the parents of students involved in any alleged HIB incident are entitled to receive information about the nature and results of the investigation. N.J.S.A. 18A:37-15(b)(6)(d). Parents may request a hearing before the board, which must be held within ten days of the request. Ibid. Any hearing shall be held in executive session to protect the identity of any students involved. The board may hear from the anti-bullying specialist regarding the incident, recommendations for discipline or services, and any programs implemented to prevent such incidents. Ibid. The board must issue a decision at the first meeting after receiving the investigation report. The board may affirm, reject, or modify the superintendent’s decision. The board’s decision may be appealed to the Commissioner of Education. N.J.S.A. 18A:37-15(b)(6)(e).

An action by a board of education “is entitled to a presumption of correctness and will not be upset unless there is an affirmative showing that such decision was arbitrary, capricious or unreasonable.” Thomas v. Morris Twp. Bd. of Educ., 89 N.J. Super. 327, 332 (App. Div. 1965) aff’d, 46 N.J. 581 (1966). The Commissioner will not substitute their judgment for that of a board of education, whose exercise of discretion may not be disturbed unless shown to be “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). 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 Sew. 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). Thus, to prevail, petitioners must demonstrate that the Board acted in bad faith or in utter disregard of the circumstances before it. T.B.M. v. Moorestown Bd. of Educ., 2008 N.J. AGEN LEXIS 67 (February 6, 2008) (citing Thomas, 89 N.J. Super. at 332).

Against this backdrop, W.C. challenges respondent’s determination that on October 8 and October 23, 2024, Student A did not commit an act of HIB against S.C. First, W.C. contends that the District failed to hold a board meeting within ten days of his request for a hearing before the Board. The parties agree that the Board meeting was held twelve days after W.C. requested the hearing, which was the next scheduled Board meeting. Understanding the Act requires a board meeting within ten days of the parents’ request for a hearing this may not be practicable in every case, as in this instance. A meeting could not be scheduled before December 17, 2024, because Dr. Labbe was unable to obtain a quorum. Respondent’s holding of the Board meeting two days late does not constitute a violation of W.C.’s due process rights. W.C. was advised of the December 17, 2024, Board meeting well in advance, chose to attend virtually, and presented his appeal to the Board. Thus, whatever procedural irregularity occurred in this matter was cured. Therefore, I **CONCLUDE** that respondent’s actions in response to the timeliness of the Board hearing requirement complied with the Act.<sup>3</sup>

As to the substantive issues, W.C. alleges that respondent erred in its determination that the October 8 and 23, 2024, incidents did not constitute HIB because that determination was unsubstantiated. I disagree.

Obryk conducted a thorough and prompt investigation in collaboration with McDade. After Lujo, Elardo, Burns, and Student A, no one was able to corroborate S.C.’s

---

<sup>3</sup> Although not in W.C.’s appeal, he argued at the hearing that the District’s investigation was flawed because Obryk conducted the interviews. I rejected this argument because Obryk collaborated with McDade. Additionally, District Policy 5512 and the Act permit persons other than the anti-bullying specialist to assist in HIB investigations. See also, Dunkley v. Bd. of Educ., 216 F. Supp. 3d 485, 495 (D.N.J. 2016); see also A.M. and A.M. ex rel. B.M. v. Somerset Hills Pub. Sch. Dist. Bd. of Educ., EDU 08742-24, Initial Decision (March 6, 2025), adopted, Comm’r (May 23, 2025), <http://nj.gov/education/legal/>

allegations. S.C.'s classroom teacher, Lujo, reported little to no interaction between S.C. and Student A. Lujo also reported that S.C. claimed to have been hit or slapped, or otherwise harmed, even though adults present did not observe any actual contact with another student. For example, after investigating S.C.'s claim that Student A wrote on her leg with a marker, it was confirmed that S.C. and Student A were not at the same table when the markers were used, so there would be no physical means by which Student A could have done it. Further, Obryk reviewed all available video footage from the building, including hallways, the gym, and the playground, but found no evidence of interactions between S.C. and Student A. Because the alleged incidents could not be substantiated, I **CONCLUDE** that the actions of respondent in determining that the October 8 and 23, 2024, incidents did not constitute HIB were not arbitrary, capricious, or unreasonable.

### **ORDER**

Following my conclusions above, I **ORDER** that W.C.'s Petition of Appeal be and hereby 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.

---

[commissioner/2025/270-25.pdf](#) (determining that the Anti-Bullying Act does not require the Anti-Bullying Specialist to be the only school official who may conduct the investigation. Both principals and vice principals may participate in the investigation.)

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](mailto: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.

February 2, 2026 \_\_\_\_\_

DATE

  
\_\_\_\_\_  
NICOLE T. MINUTOLI, ALJ

Date Received at Agency: \_\_\_\_\_

Date emailed to Parties: \_\_\_\_\_

NTM/tc

## **APPENDIX**

### **Witnesses**

#### **For petitioner:**

W.C.

#### **For respondent:**

Nina Obryk

Dr. Richard Labbe

### **Exhibits**

#### **For petitioner:**

- P-1 Not entered in evidence
- P-2 Not entered in evidence
- P-3 October 23, 2024, email to Labbe
- P-4 Email exchange between petitioner and the District, dated November 2024 through December 2024
- P-5 Not entered in evidence
- P-6 Not entered in evidence
- P-7 Not entered in evidence
- P-8a Email exchange between petitioner and the District dated October 29, 2024
- P-8b Not entered in evidence
- P-9 Not entered in evidence
- P-10 Email exchange between petitioner and the District dated October 24, 2024
- P-11 Missing
- P-12 Email exchange between petitioner and the District dated October 30, 2024
- P-13 Email exchange between petitioner and the District dated October 13, 2024
- P-14 Not entered in evidence
- P-15 Not entered in evidence
- P-16 Not entered in evidence

For respondent:

- R-1 HIB investigation report
- R-2 November 20, 2024, letter to petitioner from the District
- R-3 December 18, 2024, letter to petitioner from the District
- R-4 Not entered in evidence
- R-5 Not entered in evidence
- R-6 District's HIB policy