

157-26R
OAL Dkt. No. EDU 18685-25
Agency Dkt. No. 322-9/25

New Jersey Commissioner of Education

Final Decision

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

Petitioner,

v.

Board of Education of the Township of Wyckoff,
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.

In this matter, petitioner alleges that respondent's investigation of a harassment, intimidation, and bullying (HIB) incident she reported was not conducted in accordance with the procedural requirements set forth in the Anti-Bullying Bill of Rights Act (Act), *N.J.S.A. 18A:37-13 to -32*, which resulted in a denial of due process. After respondent filed an answer, the matter was transmitted to the OAL as a contested case.

According to the Initial Decision, the Administrative Law Judge (ALJ) treated an email from respondent as a motion to dismiss the petition. Petitioner objected to the dismissal via email. Thereafter, respondent submitted a letter brief and exhibits A through K in reply to petitioner's opposition email, and the ALJ closed the record.

Apparently without reviewing exhibits that petitioner requested to submit via Dropbox or allowing her to respond to respondent's letter brief and exhibits, the ALJ rendered factual findings

and recommended dismissal of the petition. The ALJ found that summary decision in favor of respondent was appropriate because petitioner “only challenges the legality of the complaint, which is not before the undersigned.” Initial Decision at 4-5. The ALJ also concluded that the matter was “no longer a contested case before the Office of Administrative Law and respondents’ Motion for Dismissal is ripe for determination.” *Id.* at 5.

Upon review, the Commissioner is constrained to remand the matter to the OAL. Summary decision is not appropriate in this matter because material facts are contested regarding whether the HIB investigation was conducted in accordance with the Act. *See N.J.A.C. 1:1-12.5(b)* (addressing summary decision requirements). Furthermore, to the extent the ALJ concluded that petitioner failed to state a claim upon which relief could be granted since she was not challenging respondent’s ultimate determination that HIB did not occur, the Commissioner disagrees with that conclusion. Petitioner may dispute whether respondent conducted its HIB investigation in accordance with the Act, and the Commissioner has jurisdiction to make a finding in that regard. *See N.J.S.A. 18A:6-9* (“The commissioner shall have jurisdiction to hear and determine . . . all controversies and disputes arising under the school laws . . .”). However, the Act does not entitle petitioner to money damages.

“The Legislature has conferred authority to enforce the anti-bullying statutes upon the Commissioner of Education.” *L.W. ex rel. L.G. v. Toms River Reg’l Schs. Bd. of Educ.*, 381 *N.J. Super.* 465, 498 (App. Div. 2005), *modified by, aff’d by, remanded*, 189 *N.J.* 381 (2007). The Act requires local boards of education to adopt and adhere to policies prohibiting HIB which address, among other things, reporting procedures and investigation requirements. *Id.* at 498 (citing *N.J.S.A. 18A:37-15*); *Dunkley v. Bd. of Educ. of Greater Egg Harbor Reg’l High Sch. Dist.*, 216 *F. Supp. 3d* 485, 489 (D.N.J. 2016) (quoting *N.J.S.A. 18A:37-15*); *J.L. v. Bd. of Educ. of Bridgewater-Raritan Reg’l Sch. Dist.*, Commissioner Decision No. 416-16 (Dec. 9, 2016).

For instance, the Act requires districts to provide a means for parents to report HIB allegations online in a confidential manner. *N.J.S.A. 18A:37-15(b)(5)*. It further requires that HIB investigations be completed promptly within 10 school days of the initial HIB complaint. *N.J.S.A. 18A:37-15(b)(6)(a)*. The results of the investigation must be reported to the school superintendent within two school days thereafter, and then to the board of education no later than the date of its next meeting. *N.J.S.A. 18A:37-15(b)(6)(b), (c)*. After the results of the investigation are reported to the board, parents shall be notified in writing of its nature and outcome within 5 school days. *N.J.S.A. 18A:37-15(b)(6)(d)*. If a parent requests a hearing before the Board upon receiving the results of the investigation, then that hearing must be held within 10 days of the request. *Ibid*.

Should petitioner wish to proceed with her petition despite the unavailability of monetary damages under the Act, she should be given the opportunity to present evidence in support of her claim at the OAL so that a complete record can be presented to the Commissioner for review. However, petitioner is advised that the OAL is not required to accept submissions via Dropbox or other cloud-based storage service. See *N.J.A.C. 1:1-15.7(b)* (requiring parties to submit paper copies of exhibits offered into evidence).

Accordingly, the Initial Decision is rejected and the matter is remanded to the OAL for further proceedings.

IT IS SO ORDERED.


COMMISSIONER OF EDUCATION

Date of Decision: May 6, 2026
Date of Mailing: May 6, 2026



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 18685-25

AGENCY DKT. NO. 322-9/25

C.R. ON BEHALF OF MINOR CHILD M.R.,

Petitioner,

v.

WYCKOFF BOARD OF EDUCATION,

Respondent.

C.R., petitioner, pro se,

Vittorio S. LaPira, Esq., appearing on behalf of respondent (Wyckoff Board of education)

Record Closed: January 12, 2026

Decided: February 27, 2026

BEFORE **MARIANNE B. ORTEGA**, ALJ:

PROCEDURAL HISTORY

Petitioner, C.R. challenges the respondent's Wyckoff Board of Education (District) investigation of her child's, M.R., harassment, intimidation, or bullying (HIB) complaint. On October 28, 2025 this matter was transmitted to the Office of Administrative Law (OAL) on October 28, 2025 as a contested case.

A telephone prehearing was scheduled and conducted on December 1, 2025. After the conclusion of the prehearing, a status conference was scheduled for December 17, 2025. Prior to that date, petitioner emailed the undersigned and respondent for “clarification of scope of appeal”. In her email petitioner stated that this case is not about the substance of the HIB complaint. Instead, petitioner asserts, among other things, that this case is about whether the District conducted “a legally compliant HIB investigation under N.J.S.A. 18A:37-15.”

On December 12, 2025, respondent replied to petitioner’s assertion, arguing that if petitioner is not challenging the ultimate determination, this matter requires dismissal or a withdrawal.

On December 17, 2025, during the telephone prehearing conference, respondent’s email was accepted as a Motion to Dismiss. Petitioner filed a response to the Motion on January 7, 2026. Respondent sent a reply to the response on January 12, 2026, on which date the record closed.

FACTUAL DISCUSSION

Based on the testimony the parties provided and my assessment of their credibility, together with the documents the parties provided and my evaluation of their sufficiency, I **FIND** the following **FACTS**:

On January 29, 2025, Petitioner submitted her initial HIB 338 form and claimed that the alleged defender had told petitioners’ daughter to kill herself on several occasions.

On February 3, 2025, Petitioner notified the District of an additional incident which allegedly occurred on January 31, 2025, where the same alleged defender tried to intimidate the student by telling her not to speak to another student.

On March 18, 2025, the superintendent of schools sent Petitioner a letter indicating that the incidents did not satisfy all of the required elements of a HIB act according to their anti-Bullying Bill of Rights Act and the District's policies.

On April 23, 2025, the board secretary sent a letter to Petitioner notifying her that her request for hearing was granted and scheduled before the District to be held on May 5, 2025.

On May 9, 2025, a letter was sent to Petitioner informing her that the District's decision to remand the HIB Investigation to the Anti-Bullying coordinator to review and analyze the full record to ensure that the District fully reviewed and analyzed the record.

On May 23, 2025, the superintendent of schools sent Petitioner a letter that the re-investigation would continue without Petitioner's child's input, because Petitioner had refused to allow the District to interview her.

On June 4, 2025, the superintendent schools sent a letter which reassured Petitioner that the District investigated the concerns raised by both her and her daughter. The HIB report reflected the information it was formally conveyed to the school, including through their own communications.

On June 11, 2025, another letter was sent to Petitioner notifying her that the District had granted her second request for hearing to present witnesses and documentation scheduled for June 23, 2025.

On July 3, 2025, the board sent a letter to Petitioner indicating that the District reaffirmed the HIB determination.

On July 16, 2025, the superintendent of schools sent a letter to Petitioner which stated that both reported incidents involving the student were fully considered. The superintendent schools also restated the reasons that the District reaffirmed the HIB

determination, specifically, because the facts could not substantiate the statutory elements of the HIB.

The District reconsidered both incidents complained of by the Petitioner.

LEGAL ANALYSIS AND DISCUSSION

Petitioner seeks review solely of whether the district complied with law, governing the HIB investigations. The respondent filed a motion for summary decision.

The rules governing motions for summary decision in an OAL matter are embodied N.J.A.C. 1:1-12.5. These provisions mirror the language of Rule 4:46-2 and the New Jersey Supreme Court's decision in Judson v. Peoples Bank and Trust Company of Westfield, 17 N.J. 67 (1954). Under N.J.A.C. 1:1-12.5(b), the determination to grant summary judgment should be based on the papers presented as well as any affidavits which may have been filed with the application. In order for the adverse, i.e., the non-moving party to prevail in such an application, responding affidavits must be submitted showing that there is indeed a genuine issue of fact, which can only be determined in an evidentiary proceeding. The Court in Brill v. Guardian Life Insurance Company of America, 142 N.J. 520, 523 (1995), set the standard to be applied when deciding a motion for summary judgment. Therein the Court stated:

The determination whether there exists a genuine issue with respect to a material fact challenged requires the Motion Judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party . . . are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party.

Here, there are no material issues of fact since petitioner is not contesting the HIB determination but instead, she contests the legality of the District's actions.

Petitioner cites no legal authority in support of her appeal. In fact, Petitioner is not challenging the HIB determination but only challenges the legality of the complaint,

which is not before the undersigned. Petitioner did not allege that the District's decision was arbitrary, capricious, or unreasonable.

Accordingly, since no HIB was found, no interim measures or remedies are available to Petitioner. I therefore **CONCLUDE** that there are no remaining issues to determine in this matter.

Based on the foregoing, I **CONCLUDE** that this matter is no longer a contested case before the Office of Administrative Law and respondents' Motion for Dismissal is ripe for determination.

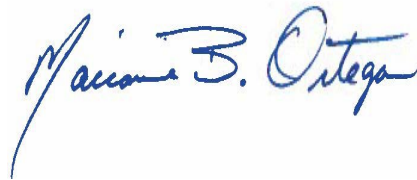
ORDER

Based upon the foregoing, respondent's motion for summary decision is **GRANTED**. It is **ORDERED** that 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.



February 27, 2026

DATE

MARIANNE B. ORTEGA, ALJ

Date Received at Agency:

2/27/26

Date Mailed to Parties:

ljb

DOCUMENTS RELIED ON

- Respondent's email dated December 12, 2025
- Petitioner's email dated January 7, 2025
- Respondent's email dated January 12, 2025
- Petitioner's reply to Respondents' Motion to Dismiss.
- Respondent's Brief in Reply to Petitioner's Opposition to Motion to Dismiss, dated January 12, 2025