

New Jersey Commissioner of Education
Final Decision

L.B., on behalf of minor child, A.L.,

Petitioner,

v.

Board of Education of the City of Trenton, Mercer
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 has failed to state a claim upon which relief may be granted. The Commissioner is neither authorized to summarily terminate Board staff members at a parent's request nor authorized to provide monetary compensation to a parent for alleged difficulties with the school district.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and respondent's motion to dismiss the petition is granted.

IT IS SO ORDERED.¹


COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2026
Date of Mailing: January 27, 2026

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

OAL DKT. NO. EDU 12674-25

AGENCY DKT. NO. 172-6/25

L.B., ON BEHALF OF MINOR CHILDREN,

Petitioner,

v.

**CITY OF TRENTON BOARD OF
EDUCATION, MERCER COUNTY,**

Respondent.

L.B., petitioner, pro se

James Rolle, Jr., Esq., for respondent

Record Closed: October 20, 2025

Decided: December 1, 2025

BEFORE **GAURI SHIRALI SHAH**, ALJ:

STATEMENT OF THE CASE

Respondent City of Trenton Board of Education (the Board) moves to dismiss, for failure to state claim upon which relief may be granted, a parent's petition seeking to transfer her child to another school, terminate certain school staff, and provide her compensation. Must petitioner's case be dismissed? Yes. "The test for determining the

adequacy of a pleading is whether a cause of action is suggested by the facts.” Velantzas v. Colgate-Palmolive Co., 109 N.J. 189, 192 (1988).

PROCEDURAL HISTORY

On June 2, 2025, petitioner L.B. filed a petition with the New Jersey Department of Education (DOE) challenging actions by the Board regarding her child A.L. and seeking relief. In the petition, L.M. alleged that her daughter and family had been harassed by the principal and staff at Arthur J. Holland Middle School (Holland School), including making incorrect allegations about her child’s behavior and calling New Jersey Division of Child Protection and Permanency (DCP&P) to the school. Petitioner seeks relief from the DOE including termination of the Holland School principal, the transfer of her child to another school and “to be compensated for the necessary supports required”.

On July 14, 2025, in response to L.B.’s petition, the Board filed a motion to dismiss the petition in lieu of an answer with the DOE.

The DOE transmitted this case to the Office of Administrative Law on July 15, 2025, where it was received on July 16, 2025 and filed as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

I scheduled an initial prehearing telephone conference, initially for August 18, 2025, and thereafter for September 2, 2025 and September 9, 2026. Due to various mishaps, one or the other party failed to appear at these conferences. On September 16, 2025, I held an initial conference with both of the parties present. During the initial conference, petitioner advised that she would not need the school transfer as A.L. had graduated from the Holland School and was already attending another school. Due to the pending motion to dismiss, I set up a briefing schedule for the parties. Petitioner filed an email reply to the motion to dismiss on October 14, 2025. Respondent had until October 20, 2025 to file a response, but on that date, replied that no additional response would be filed.

FINDINGS OF FACT

Assuming the allegations in the petition are true, I **FIND** the following as **FACT** for purposes of this motion only:

1. Petitioner is the parent of several children who attend the Trenton public schools.
2. A.L. was a student at Holland School during the 2024–2025 school year.
3. A copy of A.L.’s Holland School student log (student log) spanning April 2020 through October 28, 2024, provided by L.B., describes behavioral incidents including inappropriate language, instigating a fight, throwing a chair and defiant disrespect. P-1.
4. In 2024, the student log documents nine behavioral incidents. P-1.
5. Another incident involving an altercation is documented in a November 4, 2025 email exchange between the Holland School principal, staff and L.B. In this instance, Holland School initially mistakenly believed A.L. was absent when she failed to present to her correct class, but rather, initially went to another classroom where she was involved in an altercation with another student. P-3.
6. The student log documents only one incident in 2023 for verbal threats made by A.L., and which A.L. admitted to making.
7. Between 2021 and 2022, the student log documents a number of instances of behavioral issues and one weapons possession concern with A.L. P-1.
8. A November 9, 2020 entry in the student log is the only reference to DCP&P in the student log. P-1.

9. An October 23, 2024 email from the Holland School principal advised A.L.'s teachers to make sure to contact A.L.'s mother, L.B., about any concerns about A.L.'s behavior or grades. P-2.
10. In spring of 2024, A.L. graduated from Holland School and currently attends another school.

CONCLUSIONS OF LAW

Standard on Motion to Dismiss

The New Jersey Supreme Court explained that the analysis required when considering a motion to dismiss is “whether a cause of action is suggested by the facts.” Velantzas v. Colgate-Palmolive Co., 109 N.J. 189, 192 (1988) (citations omitted). Further:

Because the matter arises on defendants’ motion to dismiss, [the court must] accept as true the facts alleged in the complaint Plaintiffs are entitled to every reasonable inference in their favor. A reviewing court must “search[] the complaint in depth and with liberality to ascertain whether the fundament of a cause of action may be gleaned even from an obscure statement of claim.”

[Craig v. Suburban Cablevision, Inc., 140 N.J. 623, 625–26 (1995) (citations omitted); see also Maeker v. Ross, 219 N.J. 565, 569 (2014).]

A motion to dismiss should only be granted in the rarest of instances. Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 772 (1989). In reviewing the complaint, the question is not whether the petitioner can prove the allegations, but whether the facts alleged are sufficient to state a cause of action. Id. at 746. Here the facts presented by petitioner include a student log that documents behavioral incidents including verbal and physical altercations involving her daughter and emails between her and the school discussing some of these incidents. In her submission to the court, petitioner suggests that the October 28, 2024 incident was overstated by the school but does not deny that the other documented instances occurred. Rather, she complains that

the school did not always notify her of some of these instances, and moreover, that the school did not understand how to manage her child. Based on these facts, petitioners seek to have the principal and other school staff terminated by the Commissioner of the DOE, and to be awarded compensation.

Jurisdiction

The New Jersey DOE and the Commissioner of Education have “subject matter interest” and the “first-instance jurisdiction ‘to hear and determine . . . all controversies and disputes arising under the school laws.’” Archway Programs, Inc. v. Pemberton Twp. Bd. of Educ., 352 N.J. Super. 420, 424 (App. Div. 2002) (quoting N.J.S.A. 18A:6-9). The Commissioner’s jurisdiction, however, does not extend to all matters involving school boards. Id. at 424–25. For example, the Commissioner does not have jurisdiction over contract claims because they arise from statutory or common law and not from school laws. Id. at 425. Similarly, the Commissioner cannot award compensatory or punitive damages. Balsey v. North Hunterdon Bd. of Ed., 117 N.J. 434 442–43 (1990).

Under N.J.S.A. 18A:10-1, the management and supervision of local public school districts, like Trenton, rests with the board of education. The school board also retains the authority over the hiring and termination of its personnel. N.J.S.A. 18A-11.1. Additionally, N.J.A.C. 6A:32-4.1(a) provides that “[e]ach district board of education . . . shall determine guidelines for the hiring of all staff.” Furthermore, under N.J.S.A. 18A:27-4.1(b), a board of education is authorized to renew the employment contract of certified and non-certified employees, “only” upon the recommendation of the chief school administrator and by a roll call majority vote of the full membership of the board. Ibid.

Here, the parent seeks to have the Commissioner of the DOE terminate the employment of the principal and certain staff of Holland School and seeks compensatory damages. However, the ability to manage staff is not within the purview of the Commissioner but rather that of the local board of education, in this case, respondent Board of Trenton. N.J.S.A. 18A:10-11.1. Similarly, the Commissioner is not authorized to pay compensatory damages. See Balsey, 117 N.J. at 442–3. While petitioner also

sought a school transfer for her child, this issue admittedly was rendered moot as A.L. is already in another school, having graduated from Holland School.

I **CONCLUDE** the relief sought by petitioner is outside the jurisdiction of the Commissioner, and under N.J.S.A. 18A:11-1, solely within the province of the respondent Board. I **FURTHER CONCLUDE** that petitioner therefore has failed to state a claim upon which relief may be granted, requiring dismissal of her petition.

ORDER

In accordance with my conclusions above, I **ORDER** that respondent's motion to dismiss is **GRANTED** and the petitioner's case 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.

December 1, 2025

DATE



GAURI SHIRALI SHAH, ALJ

Date Received at Agency:

Date emailed to Parties:

GSS/nn