

263-26
OAL Dkt. No. EDU 00277-26
Agency Dkt. No. 383-11/25

New Jersey Commissioner of Education
Final Decision

Alison Nicole Avelino,

Petitioner,

v.

New Jersey Department of Education, State
Board of Examiners,

Respondent.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), the exceptions filed by petitioner pursuant to *N.J.A.C. 1:1-18.4*, and the Board's reply thereto, have been reviewed and considered.

Petitioner challenges the State Board of Examiners' October 30, 2025, decision to block her application for a standard Teacher of Students with Disabilities certificate due to engaging in conduct unbecoming a teacher. Specifically, the Board found that while teaching a K-1 special needs class, petitioner purposely dragged a student by his ankle or foot behind her as she walked down a hallway, stopped to communicate with the student, and then continued to drag him by his ankle or foot behind her as she walked further down the hallway. The Board concluded that such unbecoming conduct was not role model behavior and had the tendency to destroy public respect for teachers and confidence in the public school system.

Petitioner appealed, and the Board moved to dismiss the petition, claiming it does not state a claim upon which relief may be granted. The Board argued that in her appeal, petitioner admitted that she dragged a small child by his leg through a school hallway. Petitioner only took issue with the Board's finding that she dragged the child behind her; as she recalled the incident, she was facing the child. According to the Board, the direction petitioner was facing makes no difference. Dragging a child by his leg through a hallway constitutes conduct unbecoming an educator, and therefore its decision blocking of petitioner's application for certification was appropriate.

As part of its motion to dismiss, the Board supplied the Administrative Law Judge (ALJ) with a nineteen-second surveillance video showing petitioner dragging the child by his left leg down a school hallway. In her opposition to the motion, petitioner supplied several exhibits for the ALJ to consider, including email communications between her and the Board in which she explained the leg drag incident. The ALJ considered the video and petitioner's exhibits as evidence and made related findings in the Initial Decision.

When comparing petitioner's description of events to the video footage, the ALJ found:

Avelino does not dispute that she employed a leg drag on the student. She admits that she performed this leg drag on the student for his safety. The video, without audio, portrays a different scene. Avelino is seen dragging the child by one leg behind her as she continues walking. She drags the child for several seconds, turns and speaks to the child, and continues dragging the child. The video does not show her sitting with the child on the floor, waiting for another teacher to assist. Safety for the child does not appear to be her first concern.

[Initial Decision at 7.]

In other words, the video footage contradicted petitioner's version of the events. Petitioner did drag the child behind her, and she did not attempt to obtain help or otherwise appear to consider the child's safety.

Ultimately, the ALJ decided that no hearing was necessary because there was no dispute regarding the material facts – namely, petitioner admitted that she dragged the child, and there was clear video evidence of the incident. Accordingly, the ALJ found that it was appropriate to resolve the matter through summary decision based on the parties' written submissions, including the video and other exhibits the provided. The ALJ framed the matter for determination as "whether the respondent's decision to block [petitioner's] application . . . was arbitrary, capricious, or unreasonable based on the information that the respondent had available to them at the time of their determination." *Id.* at 7-8. The ALJ concluded, based upon the entirety of the evidence submitted, that the Board's decision to block petitioner's application for certification was not arbitrary, capricious, or unreasonable "because it was based on a complete statement and defenses from [petitioner], a review of her personnel file, a review of the IAIU [Institutional Abuse Investigation Unit] report, and a review of the video of the February 14, 2025, incident." *Id.* at 8.

In her exceptions, petitioner argues that the ALJ erred by: (1) applying a summary decision standard of review rather than holding a hearing; (2) finding that petitioner was the only adult available to escort the student; (3) finding that petitioner did not dispute her termination from the Plainfield School District; (4) determining that petitioner was provided a meaningful opportunity to rebut the conduct at issue; (5) failing to consider the relevance of the IAIU findings; (6) improperly presuming the completeness of the Board's record absent discovery; and

(7) granting the motion to dismiss because the petition established a valid cause of action demonstrating that the Board's decision was arbitrary, capricious, and unreasonable.

In reply, the Board argues that the ALJ properly dismissed the petition of appeal because it failed to advance a cause of action against the Board and discovery would not provide one. The Board also claims that petitioner was not prejudiced by the ALJ's use of the summary decision standard of review because there were no genuine disputes of material fact. The Board notes that petitioner admits to performing a leg drag on a student and that there is video footage of the incident. Moreover, regardless of whether petitioner was the only adult available or willing to assist the student, the Board asserts that those circumstances do not negate her unbecoming conduct. In addition, the Board fully considered petitioner's written account of the incident, did not base its decision solely on her termination, and asserts that the outcome of the IAIU investigation is not dispositive on the issue of unbecoming conduct.

As a threshold matter, a discussion of the applicable standard of review for petitions of appeal filed under *N.J.A.C. 6A:3* is necessary. When there is a challenge to a determination made by an office within the Department of Education (Department), the Commissioner is not required to give deference to her staff but instead determines if the finding was legally appropriate. See *Nimczyk v. Dep't of Educ., State Bd. of Exam'rs*, Comm'r Decision No. 98-22 (May 16, 2022) and *Travisano v. Dept. of Educ., State Bd. of Exam'rs*, Comm'r Decision No. 190-22 (Aug. 8, 2022) (detailing the appropriate standard of review to be applied in matters filed against the Board pursuant to *N.J.A.C. 6A:3*). Moreover, where the Department has limited the scope of review of a subordinate office or division, it has done so by regulation, *i.e.* appeals filed under *N.J.A.C. 6A:4*

challenging a decision of the Board revoking or suspending a certificate, or a decision of the School Ethics Commission.

In the Initial Decision, the ALJ applied the arbitrary, capricious, or unreasonable standard of review. However, a decision by the Board blocking an application for a certificate is not entitled to the arbitrary, capricious, or unreasonable standard of review afforded to appeals filed under *N.J.A.C. 6A:4*. See *Walder v. N.J. Dep't of Educ., State Bd. of Exam'rs*, Comm'r Decision No. 503-14 (Dec. 29, 2014) (finding that the Commissioner does not give deference to a Board decision denying a request for a certificate). The petition of appeal in this matter was filed in accordance with *N.J.A.C. 6A:3*, which consists of completely different regulatory provisions than *N.J.A.C. 6A:4*; these two Administrative Code Sections should never be conflated. *Nimczyk*, at 2. The appropriate standard of review of the Board's decision in this case is whether the decision is consistent with the applicable statutory and regulatory provisions.

Upon review of the record and application of the appropriate standard of review, the Commissioner finds that the Board's decision was consistent with the applicable statutory and regulatory provisions. Pursuant to *N.J.A.C. 6A:9B-4.1*, "Notwithstanding that a candidate may meet requirements for certification, the Board of Examiners may refuse to issue a certificate to the candidate if it determines, based on the record before it, that the candidate is not suitable for employment as a teaching staff member in the public schools for reasons set forth at *N.J.A.C. 6A:9B-4.4*. This refusal shall be known as a blocked application." One such reason for a blocked application is "conduct unbecoming a teacher." *N.J.A.C. 6A:9B-4.4(a)*.

"Conduct unbecoming" is an "elastic" concept that includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public

respect for [public] employees and confidence in the operation of [public] services.” *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960). *Accord Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017). A finding of unbecoming conduct “may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” *Bound Brook Bd. of Educ.*, 228 N.J. at 14 (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)). Additionally, unfitness to hold a position in a school system may be demonstrated through just one incident, “if sufficiently flagrant.” *Redcay v. State Bd. of Educ.*, 130 N.J.L. 369, 371 (1943), *aff’d*, 131 N.J.L. 326 (E & A 1944).

In this case, the Board’s decision was consistent with N.J.A.C. 6A:9B-4.1. Surveillance video in the record clearly shows petitioner dragging a child by his leg down a school hallway. Petitioner does not deny that she did so; rather, she attempts to frame her behavior as having acted in the child’s best interest when no other adults were willing to help. She explains that the child soiled himself and needed to be changed, and that she was attempting to transport him to the nurse’s office because her classroom did not have a restroom. She also claims that the student repeatedly refused to stand and was near a stairwell, which raised safety concerns and the need to move him to a safer location. However, even if true, those circumstances do not change the fact that the video footage depicts a flagrant incident of unbecoming conduct and a total lapse in judgment that should not have resulted in the child being dragged by his leg.

As for petitioner’s exceptions, the Commissioner does not find them to be persuasive. At the outset, the ALJ’s disposition of the case via summary decision was entirely appropriate because both parties submitted exhibits for her consideration. “The submission of documents in

addition to the pleadings converts a motion to dismiss for failure to state a claim into a motion for summary judgment.” *Jersey City Ed. Ass’n v. City of Jersey City*, 316 N.J. Super. 245, 254 (App. Div. 1998). *See also K.L. v. Bd. of Educ. of Borough of Kinnelon*, Commissioner Decision No. 315-08 at 4 (Jul. 22, 2008) (holding that the ALJ properly converted a motion to dismiss into a motion for summary disposition when the record contained sufficient, undisputed material facts to support the ALJ’s legal determination).

Next, even without the ALJ’s findings that petitioner was the only adult available to escort the student and did not dispute her termination from the Plainfield School District, there are sufficient undisputed facts to support the legal conclusion that petitioner committed unbecoming conduct – namely, her own admission that she performed a leg drag coupled with the surveillance video which depicts her dragging the student by his leg. In other words, the findings petitioner questions regarding adult availability and whether petitioner disputed her termination are neither dispositive nor material.

As for the ALJ’s finding that petitioner had a meaningful opportunity to rebut the conduct at issue, it is fully supported by record. Petitioner provided the ALJ with a copy of the written statement she supplied to the Board in which she explains what occurred with the incident, the IAIU investigation, and her termination. The Board’s decision references its consideration of petitioner’s written statement, as well as the additional documentation she provided, including the IAIU investigation letter stating that the neglect allegation was unfounded. Of note, the IAIU investigation outcome is not dispositive and is entirely separate from the Board’s inquiry as to whether an incident constitutes unbecoming conduct under the law. Neither abuse nor neglect need be substantiated for an incident to constitute unbecoming conduct.

Furthermore, the Commissioner disagrees with petitioner's claim that the ALJ improperly presumed the completeness of the Board's record absent discovery. Petitioner suggests in her exceptions that had discovery been permitted, she could have obtained information regarding the Board's investigative practices and the materials reviewed when deciding whether to block her application. However, the Board's decision fully explained what information it considered – including the video. Because the ALJ was presented with sufficient undisputed evidence to support the Board's conclusion that petitioner committed unbecoming conduct, it was appropriate to grant summary decision in favor of the Board absent discovery. *See Jersey City*, 316 N.J. Super. at 254 (affirming the granting of summary judgment when the motion judge “found no genuine issue of material fact that would warrant discovery or a plenary hearing”). *See also Brill v. Guardian Life Ins. Co.*, 142 N.J. 520, 529 (1995) (“[W]here the party opposing summary judgment points only to disputed issues of fact that are ‘of an insubstantial nature,’ the proper disposition is summary judgment.”).

Finally, the Commissioner disagrees with petitioner's contention that she established a valid cause of action demonstrating that the Board's decision was arbitrary, capricious, and unreasonable. As explained herein, the arbitrary, capricious, and unreasonable standard of review does not apply to Board denials of certificates. Instead, the appropriate standard of review is whether the Board's decision is consistent with the applicable statutory and regulatory provisions. The Commissioner finds, for the reasons explained herein, that the Board's decision to block petitioner's application for a standard Teacher of Students with Disabilities certificate due to conduct unbecoming a teacher is legally appropriate and consistent with the applicable statutory and regulatory provisions.

Accordingly, the Initial Decision, as modified with respect to the applicable standard of review, 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: July 22, 2026
Date of Mailing: July 22, 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

DISMISSAL

OAL DKT. NO. EDU 00277-26

AGENCY DKT. NO. 383-11/25

ALISON NICOLE AVELINO,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
EDUCATION, STATE BOARD OF
EXAMINERS,**

Respondent.

Vanesha P. Cadet, Esq., for petitioner (Oxfeld Cohen, P.C., attorneys)

Natalie K. Dennis, Deputy Attorney General, for respondent (Jennifer Davenport, Attorney General of New Jersey, attorney)

Record Closed: April 10, 2026

Decided: April 30, 2026

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

STATEMENT OF THE CASE

Alison Nicole Avelino appeals the respondent's, New Jersey Department of Education, State Board of Examiners, decision to block her application for a standard

teaching certificate because she engaged in conduct unbecoming. Must Avelino's petition of appeal be dismissed. Yes. A 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 February 14, 2025, Avelino, who was employed by the Plainfield School District, was involved in an incident with a student. The incident was investigated by the Department of Children and Families Institutional Abuse Investigation Unit (IAIU). On April 3, 2025, the IAIU determined that the allegation of Negligent/Physical Impairment/Incident Without Injury was unfounded. On April 15, 2025, Plainfield School District terminated Avelino. On June 2, 2025, Avelino applied for a standard Teacher of Students with Disabilities certificate. Respondent requested additional information, and on June 5, 2025, Avelino provided a written statement of the incident, the IAIU investigation and additional documentation. On September 19, 2025, respondent met and reviewed petitioner's application, her written statement, the IAIU report, the video of the incident, and her personnel file from Plainfield School District. Respondent voted to block her application. On October 30, 2025, respondent formally adopted the vote and issued a denial letter.

On November 6, 2025, petitioner filed a timely appeal. On December 19, 2025, respondent filed a Motion to Dismiss. On December 26, 2025, the case was transmitted to the Office of Administrative Law (OAL) under N.J.S.A. 52:14B-1 to -15 and the act establishing the OAL, N.J.S.A. 52:14F-1 to -13, for a hearing as a contested case under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to 21.6 and N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On January 28, 2026, I held a status conference. On February 27, 2026, Avelino filed her opposition to the Motion to Dismiss. On March 27, 2026, respondent filed their reply. On April 2, 2026, the petitioner requested oral argument. On April 10, 2026, I held an oral argument, and, on that date, I closed the record.

FINDINGS OF FACT

Based on the documents submitted in support of and in opposition to the Motion to Dismiss, I **FIND** the following as **FACTS**:

The Incident:

On February 14, 2025, Avelino was involved in an incident with a student under her supervision at a school in the Plainfield School District. Avelino was tasked with taking a student who had soiled his pants to the nurses' office. Avelino was the only adult available to escort the student. Avelino stated that the student was an elopement risk. The student dropped to the floor; she asked him to stand, and he did. The student dropped to the floor a second time, and this time, he refused to stand. Despite her verbal encouragement, the student continued to defy her. The student was sitting on the floor, near a stairwell, and Avelino heard approaching noises. Concerned for his safety and consistent with her training as an Emergency Medical Technician (EMT), Avelino performed a leg drag, moving the student to a safe location. Once the student was out of danger, she asked him to stand. The student stood and dropped to the floor a third time. When she asked him to stand, he refused. Later, Avelino was able to get assistance from another teacher, and they took the student to the nurses' office. Avelino changed him without incident, and they returned to the classroom.

The Video:

The video of the incident is nineteen seconds long. It starts with Avelino holding the student by his left leg behind her as she faces forward. She drags him behind her for six seconds, stops, turns, and speaks to him while she is still holding his leg. She speaks to him for seven seconds. She never releases his leg from her grip. The student is never seen sitting on the floor. Another adult is seen walking past her in the video, and she does not ask this person for assistance. The video resumes with Avelino walking backwards and continuing to drag him by his left leg.

The Investigation:

The February 14, 2025, incident was reported to the IAIU to determine if there was a Negligent/Physical Impairment/Incident Without Injury. On February 18, 2025, Avelino met with her union representative, and they provided her with legal counsel. Avelino and her legal counsel met with the IAIU, and she provided a full, detailed account of the incident. She also notified the IAIU that there was a video of the incident. On April 3, 2025, the IAIU issued its report concluding that the allegation of child abuse was unfounded. On April 11, 2025, Avelino received disciplinary notice from Plainfield School District, and on April 15, 2025, Avelino was terminated. Avelino did not appeal her termination.

Board Response:

On June 2, 2025, Avelino applied for a standard Teacher of Students with Disabilities certificate. On June 3, 2025, respondent requested additional information regarding the February 14, 2025, incident. Avelino provided a detailed response to the respondent. On September 19, 2025, respondent reviewed Avelino's application, written statement, IAIU letter, personnel file from Plainfield School District and the video of the incident. Respondent determined that her conduct was sufficiently unbecoming for an educator. Respondent's review of the video noted that she dragged the student by the foot or ankle behind her as she walked down the hallway, stopping to converse with the student and continuing to drag the student by his foot or ankle, walking further down the hallway. Respondent concluded that this behavior was egregious enough to destroy the public respect for teachers and public confidence in the school system. On October 30, 2025, respondent formally adopted the vote to block her application.

CONCLUSIONS OF LAW

The central issue is whether the respondent's Motion to Dismiss should be granted or whether Avelino is entitled to an evidentiary hearing to show that the respondent acted arbitrarily, capriciously or unreasonably, and her application for a

standard Teacher of Students with Disabilities certificate should be approved by respondent.

Summary decision “may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that 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 party filing the motion and in favor of the party against whom the motion is directed. Id. at 75. The judge’s function is to determine whether there are genuine issues of fact to 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 material fact exist and that the case is ripe for summary decision.

The Commissioner must ascertain whether the decision made by the State Board of Examiners is supported by sufficient credible evidence in the record. N.J.A.C. 6A:4-4.1. The Board of Examiners can block a certificate to a candidate who meets the requirements if it determines, based on the record before it, that the candidate is not suitable for employment as a teaching staff member in public schools. N.J.A.C. 6A:9B-4.1. One of the reasons that the Board of Examiners can block an application is conduct unbecoming of a teacher. N.J.A.C. 6A:9B-4.4(a).

“Conduct unbecoming a public employee” includes conduct that “adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services.” In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Ibid. Such misconduct need not necessarily “be predicated upon the violation of any particular rule or regulation but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an

upholder of that which is morally and legally correct.” Hartmann v. Police Dep’t of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955)). People who enter the teaching profession exercise significant influence upon their students and must therefore exhibit a high degree of exemplary behavior. In re Tyler, 13 N.J.A.R. 297, 308 (1991). Conduct unbecoming can be demonstrated by a single incident if it is sufficiently flagrant. In re Tenure Hearing of Fulcomer, 93 N.J. Super. 404, 421 (App. Div. 1967); Redcay v. State Bd. of Educ., 130 N.J.L. 369 (S.Ct. 1943).

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).

Here, Avelino was tasked with escorting a student to the nurses’ office to change his soiled clothes. Avelino asserts that she was the only adult available to escort the student who had a history of elopement. She also asserts that he dropped to the floor twice, and the second time, he was in danger of being hurt because he was next to the doorway of a stairwell. To protect him, she used her EMT training and performed a leg drag to move the student from the entryway. The student dropped to the floor a third time, and this time, she waited for assistance to take him to the nurses’ office. The incident was investigated by the IAIU and was determined to be unfounded for child abuse. Subsequently, the Plainfield School District terminated her. No evidence was presented as to whether Avelino appealed her termination. A few months later, she applied for her standard teacher’s certificate. Respondents asked for additional information concerning the February 14, 2025, incident, and Avelino provided a full, detailed statement and additional documentation to respondent. Respondent also obtained her personnel file and the video of the incident from Plainfield School District.

Avelino argues that her actions with the student were an emergent safety measure to prevent harm to the student. She also argues that this was supported by the IAIU report, which confirmed there was no child abuse. Avelino also argues that no criminal charges were filed and that the student's family did not file any complaints against her or the district for the incident. Finally, Avelino also argues that respondent relied on the personnel file from Plainfield School District and the video, which contained no audio, that she was never given an opportunity to address, clarify or rebut the information provided by the Plainfield School District and that context matters.

Avelino's argument that she was not given an opportunity to rebut the information provided by the Plainfield School District is contrary to the evidence submitted by both Avelino and respondent. Respondent requested, and Avelino provided, a written statement about the incident with additional documentation. Also, Avelino did not dispute or appeal her termination from the Plainfield School District. Nor did Avelino present any evidence that she requested reconsideration from the Plainfield School District. Respondent did not block her application because of the investigation by the IAIU on whether she has had criminal or civil charges filed against her. The crux of Avelino's argument is that the incident should not preclude her from obtaining her teaching certificate because the incident does not rise to the level of unbecoming conduct, and the video is taken out of context.

Avelino does not dispute that she employed a leg drag on a student. She admits that she performed this leg drag on the student for his safety. The video, without audio, portrays a different scene. Avelino is seen dragging the child by one leg behind her as she continues walking. She drags the child for several seconds, turns and speaks to the child, and continues dragging the child. The video does not show her sitting with the child on the floor, waiting for another teacher to assist. Safety for the child does not appear to be her first concern. Whether or not the incident is considered abusive by the IAIU or whether the parents filed civil litigation is not relevant to whether this tribunal finds her conduct unbecoming. This tribunal is not tasked with determining whether the conduct is unbecoming. The only issue for determination is whether the respondent's decision to block her application for unbecoming conduct was arbitrary, capricious or

unreasonable based on the information that the respondent had available to them at the time of their determination.

Respondent reviewed her application, her written statement of the incident, her defenses against the incident, her personnel file, the IAIU report, and the video of the incident. The respondent considered all this information and documentation and made the determination that her application should be blocked. In making their determination, respondent specifically stated that a teacher must exhibit exemplary behavior, and unbecoming conduct can be based on a single incident if it is significantly flagrant. Respondent's review of the entirety of the record was sufficient for them to determine that the dragging of a student by his leg down a hallway, stopping to converse with the student, continuing to drag one student by his leg, and continuing down the hallway was sufficiently flagrant and unbecoming conduct for a teacher. Avelino has not shown that the respondent acted without rational basis or was induced by improper motives. Nor has Avelino shown that the respondent acted dishonestly or without due consideration of her actions.

Based on the entirety of the evidence submitted, I **CONCLUDE** that the respondent's decision to block Avelino's application for a standard Teacher of Students with Disabilities certificate was not arbitrary, capricious or unreasonable because it was based on a complete statement and defenses from Avelino, a review of her personnel file, a review of the IAIU report, and a review of the video of the February 14, 2025, incident with a student and her appeal must be **DISMISSED**.

ORDER

It is **ORDERED** that respondent's Motion to Dismiss 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 under 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.

April 30, 2026

DATE



PATRICE E. HOBBS, ALJ

Date Received at Agency:

April 30, 2026

Date Mailed to Parties:

April 30, 2026

APPENDIX

Moving papers for petitioner:

Opposition to Motion to Dismiss, dated February 27, 2026

Moving papers for respondent:

Motion to Dismiss, dated December 18, 2025

Reply, dated March 27, 2026

EXHIBITS

For petitioner:

P-A Email exchange with Avelino, dated June 3, 2025

P-B Avelino's June 3, 2025, response to respondent

P-C IAIU Finding Report, dated April 3, 2025

P-D Letter from respondent to Avelino, dated October 30, 2025

For respondent:

R-A Letter from respondent to Avelino, dated October 30, 2025

R-B Video of the February 14, 2025, incident