

New Jersey Commissioner of Education
Final Decision

A.J. and C.J., on behalf of minor child, C.J.,

Petitioners,

v.

South Hackensack School District Board of
Education, 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.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the Board's decisions to suspend C.J. from school pursuant to *N.J.S.A. 18A:37-2(d)* for one day after he physically assaulted a student, and then for two days after he physically assaulted another student, were not 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.¹



COMMISSIONER OF EDUCATION

Date of Decision: August 12, 2026
Date of Mailing: August 12, 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 01154-26

AGENCY DKT. NO. 454-12/25

A.J. AND C.J. ON BEHALF OF C.J.,

Petitioners,

v.

SOUTH HACKENSACK SCHOOL DISTRICT

BOARD OF EDUCATION, BERGEN COUNTY,

Respondent.

A.J. and C.J., pro se

Sharyn Gallatin, Esq., for respondent (Lenox, Socey, Formidoni, Giordano,
Lang, Carrigg & Casey, LLC, attorneys)

Record Closed: June 8, 2026

Decided: June 10, 2026

BEFORE **ANDREA PERRY VILLANI, ALJ:**

STATEMENT OF THE CASE

The South Hackensack Board of Education (Board) decided to suspend student, C.J., for one day after he assaulted another student and then for two days after he assaulted a different student. Was the Board's decision correct? Yes. When a board of education acts within its authority, its decision is entitled to a presumption of correctness

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),

PROCEDURAL HISTORY

On September 30, 2025, and again on October 30, 2025, the Board suspended C.J. from school.

On December 12, 2025, A.J. and C.J., C.J.'s parents, appealed the suspensions.

On January 20, 2026, the New Jersey Department of Education, Office of Controversies and Disputes, transmitted the case to the Office of Administrative Law (OAL) for a hearing under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23.

On June 8, 2026, I conducted the hearing and closed the record.

FINDINGS OF FACT

Based on the witness testimony, documents, and video evidence, I **FIND** the following as **FACT**:

On September 30, 2025, C.J. was involved in a physical altercation with another student ("Student 1") at Memorial School in South Hackensack. Memorial School contains grades pre-K through 8th grade, C.J. is a fourth grader at the school, and Student 1 is a special education student with a one-to-one aide.

That day, C.J. and Student 1 were sitting next to each other in the cafeteria eating and talking. Student 1's aide was standing next to the boys at the head of the table. Student 1 was annoying C.J. He spoke to C.J. excitedly with his hands in the air, and his aide touched him on the shoulder and told him to stop. Student 1 then pushed C.J. on his right arm. C.J. jumped up and grabbed Student 1's head and face. He

grabbed with such force that Student 1 almost fell backward over the bench. However, the aide wedged herself in between the two boys and put Student 1 in a protective hold. A teacher approached and took C.J. by the arm. C.J. and the teacher left the room.

C.J. was suspended for one day as a result of the September 30, 2025 incident.

On October 30, 2025, C.J. was involved in a physical altercation with a different student ("Student 2") in the media center at Memorial School.

That day, a number of children were walking around the media center during class. C.J. and Student 2 walked toward each other and bumped shoulders. C.J. then bumped Student 2, and Student 2 bumped C.J. The boys bumped each other a few more times. C.J. put his pencil and paper down on the table next to him. He then pushed Student 2 with both hands. Student 2 pushed back. C.J. swung at Student 2's face with one hand and then another, landing a slap and a grab, as Student 2 swung back. The boys were locked together in a struggle when two teachers intervened. The teachers grabbed the boys and pulled them apart.

C.J. was suspended for two days as a result of the October 30, 2025 incident.

Dr. Nicole Suntino, Vice Principal, is the administrator who primarily handles discipline at Memorial School. She investigates alleged code of conduct violations by interviewing witnesses and obtaining and reviewing videos. She reports her findings to Principal Letizia Pantoliano.

Pantoliano is both the Memorial School Principal and the Interim Superintendent in South Hackensack. She has held the position since July 1, 2025. She has certifications in School Administration (Standard), School Business Administration (CE), as a Principal (Standard), Supervisor (Standard), and Teacher in Mathematics (K-12) (Standard).

In this case, Suntino investigated the September 30th and October 30th incidents. She spoke with C.J., staff who were present, and the other children involved; she

reviewed video of the altercations; and she asked C.J. to complete reflection sheets. She recommended a one-day, out-of-school suspension for the first incident. She recommended a two-day, out-of-school suspension for the second incident as progressive discipline.

Pantoliano agreed with the one and two-day suspensions. She believed the suspensions were appropriate based on the totality of the circumstances. She was concerned for the safety of students and staff because both altercations occurred in a crowded area. There were many students in close proximity amongst a lot of heavy furniture. She noted that Student 1, who has special needs, almost fell to the floor. One of the teachers who intervened during the September 30th incident was seven months pregnant. Pantoliano also considered section C of District Regulation 5600, "Student Discipline/Code of Conduct":

Behaviors That May Result in Suspension or Expulsion

...Conduct which shall constitute good cause for suspension or expulsion of a student...shall include, but not be limited to, any of the following...

3. Conduct of such character as to constitute a continuing danger to the physical wellbeing of other students;
4. Physical assault upon another student...

Pantoliano did not believe that C.J. acted in self-defense. In her opinion, self-defense is blocking oneself and/or removing oneself from a dangerous situation. C.J. did not do this. Rather, C.J. engaged in retaliation. Pantoliano also explained that, even if C.J. thought he was defending himself, his actions still violated the code of conduct. Indeed, District Regulation 5600 does not reference self-defense at all.

District Regulation 5600 lists a five-day, in-school suspension as the appropriate discipline for a first assault; however, Pantoliano did not believe that was appropriate. Memorial School is very small and does not have the staff or space for in-school suspensions. There are only 225 students in the entire school from pre-K through 8th grade. Also, it was best for C.J. to get back into class as soon as possible. Finally,

Pantoliano wanted to keep C.J.'s suspension confidential, which would not be possible if he served the suspension in school.

Following the two-day suspension, Pantoliano held a reentry meeting for C.J. with his parents. She suggested connecting C.J. with the social worker. She suggested engaging the behaviorist to create a plan for encouraging positive behavior. The parents refused the services.

The parents appealed to the Board with a letter, and the Board conducted its own investigation. The Board reviewed the school policy, videos, and C.J.'s forms, and it prepared a response upholding the suspensions.

A.J., C.J.'s mother, believes that C.J. should not have been given out-of-school suspensions. He was defending himself both times. In the first incident, the aide should have stepped in before the altercation occurred. In the second incident, C.J. put the pencil and paper down for safety, so he wouldn't hurt himself or others.

A.J. has had to find someone to help C.J. cope with what's going on in school. C.J.'s behavior has gone downhill because no one at school believes him. He is being treated unfairly. There are always eyes on him, and a teacher told him that he is being watched on the cameras.

A.J.'s daughter, J.J., who often brings C.J. to and from school, also does not agree with the suspensions. Student 1's aide should have made eye contact when she spoke to him to make him stop bothering C.J. She should have separated the boys before they got physical. There should have been more teachers present in the media center during the second incident, and they should have intervened sooner.

CONCLUSIONS OF LAW

When a board of education acts within its authority, its decision 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), or “without rational basis or induced by improper motives,” Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). To overcome the presumption of correctness, the petitioner must prove that the board “acted in either bad faith or in disregard to the circumstances.” T.B.M. v. Moorestown Bd. of Educ., EDU 2780-07 (Feb. 6, 2008), aff’d, Comm’r (Apr. 7, 2008). “Where there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration.” Bayshore Sewerage Co. v. Dep’t. of Env’t Prot., 122 N.J. Super. 184, 199 (Ch. Div. 1973), aff’d, 131 N.J. Super. 37 (App. Div. 1974); C.M. ex rel. J.M. v. Bergenfield Bd. of Educ., EDU 11504-24, Initial Decision (Feb. 24, 2025), adopted, Comm’r (Apr. 21, 2025), <https://www.nj.gov/education/legal/commissioner/2025/143-25.pdf>.

In this case, the Board’s decision to issue a one-day suspension and then a two-day suspension for two assaults was not arbitrary, capricious, or unreasonable. In the first incident, C.J. grabbed a special education student with enough force that he almost knocked the child backwards off his seat in the cafeteria. He did not stop until an aide intervened. In the second incident, C.J. bumped and swung at another student multiple times without stopping until two teachers intervened. While the parents do not agree with the Board’s decision to implement two short, out-of-school suspensions for this behavior, the decision was certainly not made in bad faith. Indeed, I **CONCLUDE** that the Board acted with due consideration and, as such, the suspensions were not arbitrary, capricious, or unreasonable.

ORDER

Given my Findings of Fact and Conclusions of Law, I **ORDER** that petitioners’ appeal 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**. 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.

June 10, 2026



DATE

ANDREA PERRY VILLANI, ALJ

Date Received at Agency:

June 10, 2026

Date Mailed to Parties:

June 10, 2026

sej

APPENDIX

Petitioners' Witnesses

A.J.

J.J.

Respondent's Witnesses

Letizia Pantoliano

Petitioners' Exhibits:

- P-1 District Regulation 5600 – Student Discipline/Code of Conduct
- P-2 C.J.'s Report Card
- P-3 November 11, 2025 Board Letter
- P-4 Pictures of C.J.
- P-5 Nurse Visits
- P-6 June 3, 2026 Letter from Doctor
- P-7 Emails to/from A.J. & School

Respondent's Exhibits:

- R-1 September 30, 2025 Nurse Visit
- R-2 October 30, 2025 Incident Report
- R-3 September 30, 2025 Video
- R-4 October 30, 2025 Video
- R-5 December 10, 2025 Board Letter
- R-6 Letizia Pantoliano's CV