

New Jersey Commissioner of Education
Final Decision

Malcolm X. Outlaw,

Petitioner,

v.

Board of Education of the Township of Willingboro,
Burlington 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 accepts the Administrative Law Judge's (ALJ) finding that the Willingboro Board of Education's (Board) October 13, 2025 meeting minutes are currently available on the Board's website, as well as the corresponding conclusion that the Board did not violate the Open Public Meetings Act with regard to the posting of those minutes. The Commissioner further concurs with the ALJ that this matter is moot.

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: September 15, 2026
Date of Mailing: September 15, 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

SUMMARY DECISION

OAL DKT. NO. EDU 01142-26

AGENCY DKT. NO. 008-01-26

MALCOLM X. OUTLAW,

Petitioner,

v.

**TOWNSHIP OF WILLINGBORO, BOARD
OF EDUCATION, BURLINGTON COUNTY,**

Respondent.

Malcolm X. Outlaw, petitioner, pro se

Jeffrey R. Merlino, Esq., for respondent (Methfessel & Werbel, P.C., attorneys)

Record Closed: May 24, 2026

Decided: July 1, 2026

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

STATEMENT OF THE CASE

Petitioner, Malcolm Outlaw, the Superintendent of Willingboro Township Public Schools, was placed on administrative leave during a meeting of respondent, the Board of Education of the City of Willingboro (Board). Petitioner challenges the action of the Board taken on October 13, 2025, contending that the Board failed to put the meeting

minutes on BoardDocs. Petitioner asks the Office of Administrative Law (OAL) to direct the Board to restore the October 13, 2025, meeting minutes regarding the resolution placing him on administrative leave, which he claims were removed from the Board's BoardDocs website. In response, the Board argues that the minutes are currently posted, making the issue moot.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

On October 13, 2025, during an open session of the Board's regular meeting, the members of the Board unanimously voted to pass a resolution placing petitioner on administrative leave for the 2025–2026 school year.¹ A record of the meeting, including the date, motions, votes, terms of administrative leave, and other agenda items, is currently available on the Willingboro School District's BoardDocs platform.²

On January 9, 2026, petitioner filed a petition claiming that the Board removed the minutes regarding his leave from BoardDocs and that, from November 25, 2025, to January 9, 2026, the resolution regarding his leave was missing from the BoardDocs agenda for the October 13, 2025, meeting. Petitioner provided a Facebook post, dated October 16, 2025, along with a screenshot of the BoardDocs agenda that includes the administrative leave item. (Petition of Appeal, Ex. A, B, and C.) Specifically, petitioner is claiming that at some point between October 16, 2025, and November 25, 2025, the Board removed the meeting minutes regarding his leave. Petitioner did not include a copy of the agenda from the BoardDocs website during the period that he says the information was missing.

The Department of Education transmitted the matter to the OAL, where it was filed on January 20, 2026, for a contested case hearing. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23. On January 21, 2026, the Board filed an answer stating that the resolution placing petitioner on leave remains available on BoardDocs. Later, in its

¹ Although the record available on BoardDocs refers to "Employee 6737," the very next agenda item is a motion to appoint the Acting Superintendent, and the details of the motion match those provided by petitioner.

² See <https://go.boarddocs.com/nj/willingboro/Board.nsf/Public#> (last visited June 30, 2026).

motion for summary decision, respondent provided proof that the resolution was available as of May 19, 2026. (Motion for Summary Decision, Ex. 1.)

I held pre-hearing conference calls on March 25, 2026, and May 14, 2026. During the May 14, 2026, conference call, respondent stated its intention to file a motion for summary decision, and I set a briefing schedule. On May 20, 2026, respondent filed its motion for summary decision, contending that 1) petitioner lacks standing to challenge the Board's discretionary decision concerning maintenance of the Board's website and its BoardDocs online document repository, and 2) the matter is moot. On or about May 24, 2026, petitioner filed an opposition to respondent's motion for summary decision.

Based on the briefs and certifications, and having reviewed the exhibits, I **FIND** that on October 13, 2025, during an open session of the Board's regular meeting, the members of the Board unanimously voted to pass a resolution placing petitioner on administrative leave for the 2025–2026 school year. I further **FIND** that a record of the meeting, including the date, motions, votes, terms of administrative leave, and other agenda items, is currently available on the Willingboro School District's BoardDocs platform.

DISCUSSION AND CONCLUSIONS OF LAW

Standard for Summary Decision

Under N.J.A.C. 1:1-12.5(a), “[a] party may move for summary decision upon all or any of the substantive issues in a contested case.” A motion for summary decision is a common legal ploy to resolve a case without an evidentiary hearing. A motion for summary decision may be granted “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). Additionally, “[w]hen a motion for summary decision is made and supported, an adverse party in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding.” Ibid.

A determination of whether a genuine issue of material fact exists that precludes summary decision requires the 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 allegedly disputed issue in favor of the non-moving party. Our courts have long held that “if the opposing party . . . offers . . . only facts which are immaterial or of an insubstantial nature, a mere scintilla, ‘Fanciful frivolous, gauzy or merely suspicious,’ he will not be heard to complain if the court grants summary judgment.” Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995) (quoting Judson v. Peoples Bank and Trust Co., 17 N.J. 67, 75 (1954)).

The “judge’s function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” Brill, 142 N.J. at 540 (citing Anderson v. Liberty Lobby, 477 U.S. 242, 249 (1986)). When the evidence “is so one-sided that one party must prevail as a matter of law,” the trial court should not hesitate to grant summary judgment. Liberty Lobby, 477 U.S. at 252.

Having read the briefs and certifications and having reviewed the exhibits, I **CONCLUDE** that no issues of fact exist and that the case is ripe for summary decision.³

Standing

The Board argues that Outlaw lacks standing to bring the current action against the Board.

³ Although the Board also argues that petitioner does not have standing, the Open Public Meetings Act (OPMA) gives members of the public a right of action to claim violations of the OPMA. While the OPMA entitles any person to seek injunctive orders or other remedies in Superior Court, the Commissioner of Education has incidental jurisdiction over OPMA controversies “as they relate to controversies under the school laws.” Sukin v. Northfield Bd. of Educ., 171 N.J. Super. 184, 187 (App. Div. 1979). As the underlying dispute here relates to school laws, the OAL and the Commissioner of Education have incidental jurisdiction over this dispute.

N.J.A.C. 6A:3-1.2 defines an interested person as “a person(s) who will be substantially, specifically, and directly affected by the outcome of a controversy before the Commissioner.” There must be more than just a speculative impact on the complainant:

Consequently, petitioners must show that they will “be affected by the outcome in a direct and meaningful way” before they may proceed in a contested case. U.K. & G.K. ex rel D.K. v. Clifton Bd. of Educ., 93 N.J.A.R.2d (EDU) 71; Kenwood v. Montclair Bd. of Educ., EDU 8858-81, Initial Decision, (Apr. 23, 1982), adopted, Comm’r (June 14, 1982)). Thus, to have standing, a complaining party must demonstrate “some measurable amount of detrimental impact on the complaining party’s personal rights.” S.J. v. Mountain Lakes Bd. of Educ., EDU 7081-03, Initial Decision, (Oct. 7, 2003) (citing, Salorio v. Glaser, 82 N.J. 482, 491 (1998)).

A deficiency in standing is fatal to a petition such as the one at issue here. “The dismissal of cases brought by litigants who will not be effected by the outcome in a direct and meaningful way is required by this regulation.” See S.J. v. Mountain Lakes Bd. of Educ., EDU 7081-03, Initial Decision, (Oct. 7, 2003) (citing, S.R. and E.D.R. o/b/o E.D.R., Jr. v. Montague Bd. of Educ., EDU 5300-03, 201 AGEN LEXIS 583 (Oct. 3, 2001)).

[Cantatore v. Carlstadt-East Rutherford Reg’l High Sch. Dist. Bd. of Educ., 2023 N.J. AGEN LEXIS 221, *10, Initial Decision (Apr. 26, 2023), adopted, Comm’r (May 25, 2023), <https://www.nj.gov/education/legal/commissioner/2023/153-23.pdf>.]

Additionally, Green, et al. v. Board Of Education of the Township of Ocean, Monmouth County, 2016 N.J. AGEN LEXIS 774, *12, Initial Decision (Sept. 8, 2016), provides that standing is

“a threshold justiciability determination whether the litigant is entitled to initiate and maintain an action before a court or other tribunal.” In re Six-Month Extension of N.J.A.C. 5:91-1 et seq., 372 N.J. Super. 61, 85 (App. Div. 2004), certif. denied, 182 N.J. 630 (2005). In New Jersey, there exists a rather liberal approach to questions of standing. Crescent Park Tenants Ass’n v. Realty Equity Corp. of N.Y., 58 N.J. 98, 101, 107-11 (1971). Standing is nonetheless limited to “situations where the litigant’s concern with the subject matter

evidence[s] a sufficient stake and real adverseness.” Id. at 107. These requirements are designed to prevent litigation by those who are “merely interlopers or strangers to the dispute.” Ibid.

I **CONCLUDE** that Outlaw has standing to bring this claim because his request is limited to the Board’s action on October 13, 2025, placing him on administrative leave.

New Jersey Open Public Meetings Act

The Board’s responsibility to post meeting minutes is governed by the New Jersey Open Public Meetings Act (OPMA), which states:

Each public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with section 7 of this act.

[N.J.S.A. 10:4-14.]

Additionally, the Board adopted a similar policy regarding its own school board meetings, saying:

The Board shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subject considered, the actions taken, the vote of each member, information sufficient to explain the actions taken, and any other information required to be shown in the minutes by law.⁴

[Willingboro Township Board of Education District Policy 0168
– Recording Board Meetings
<https://www.willingboroschools.org/page/policies-procedures>
(last visited June 30, 2026).]

⁴ Although the District Policy, which was last edited in 2019, still states that the minutes will be filed in the Board Secretary’s office in a minute book, the minutes are now available online, as referenced by the parties.

According to Willingboro Township Board of Education District Policy 8310 – Public Records, the only meeting minutes not immediately available to the public are minutes from the Board’s executive/closed session meetings. Based on the OPMA and the Board’s policies, there is no question that the meeting minutes of the resolution, which took place during the open session, were required to be publicly posted. The exhibits make it clear that, days after the meeting in question, the minutes were posted and are currently on the website containing the information required by the OPMA. Petitioner has not provided sufficient evidence to show even a temporary violation of the OPMA, as he did not submit a copy of the agenda as it existed on the website during the period that it was allegedly missing. Therefore, I **CONCLUDE** that the Board did not violate the OPMA.

Moot

The Board argues that because the meeting minutes are on BoardDocs, this matter is moot. “Mootness is a threshold justiciability determination rooted in the notion that judicial power is to be exercised only when a party is immediately threatened with harm.” Stop & Shop Supermarket Co. v. Cnty. of Bergen, 450 N.J. Super. 286, 291 (App. Div. 2017) (quoting Betancourt v. Trinitas Hosp., 415 N.J. Super. 301, 311 (App. Div. 2010)). “As a general matter, [appellate] courts normally will not entertain cases when a controversy no longer exists and the disputed issues have become moot.” Int’l Brotherhood of Elec. Workers Loc. 400 v. Borough of Tinton Falls, 468 N.J. Super. 214, 224 (App. Div. 2021) (quoting De Vesa v. Dorsey, 134 N.J. 420, 428 (1993)).

An issue becomes moot when a court’s decision would have no practical effect on the existing controversy, even if the party seeking a remedy were to prevail. Redd v. Bowman, 223 N.J. 87, 104 (2015). However, in limited scenarios, courts will address the merits of a moot case “where the underlying issue is one of substantial importance, likely to reoccur but capable of evading review.” Int’l Brotherhood of Elec. Workers, 468 N.J. Super. at 224. Courts will typically do so “when the matter evading review poses a significant public question or affects a significant public interest.” Ibid.

For example, courts will address the merits of a moot case when a valid legal question of public importance remains, such as the ability of a political branch to exercise

a particular power, or the repetitive violation of individuals' rights. See De Vesa at 429; see also Matter of Commitment of C.M., 458 N.J. Super. 563, 570 (App. Div. 2019).

In an unpublished decision, the Appellate Division agreed with a trial judge's refusal to issue an injunction after a school board released records sought by a member of the public, finding the dispute moot. O'Shea v. W. Milford Twp. Planning Bd., 2006 N.J. Super. Unpub. LEXIS 1478, at *11 (App. Div. Dec. 20, 2006). The school board had gone into closed and executive sessions to discuss pending litigation, as permitted under N.J.S.A. 10:4-12(b)(7). The member of the public originally brought a complaint seeking redacted minutes from the closed and executive sessions, which the board was likely not required to release. O'Shea, 2006 N.J. Super. Unpub. LEXIS at *3. By the time the merits of this complaint were being heard, the litigation at issue in the meetings had occurred, and the board released the minutes, rendering the issue moot. Id. at *4. However, the member of the public argued that the court should issue an injunction for the board to be more precise and forthcoming about its meeting procedures in the future. Ibid. Although there had arguably been a procedural mistake by the board, any issues had been remedied, and the Appellate Division refused to issue what would amount to an advisory opinion.

Here, petitioner specifically seeks an order requiring the Board to restore and maintain the October 13, 2025, agenda item, which is currently available on BoardDocs. Even if petitioner could show that the Board violated the OPMA at some point, this issue is moot because any decision by this tribunal would have no practical effect on the existing controversy.

Although access to records from public meetings is of significant public importance, petitioner has not produced any evidence to show that the Board is making recurring errors or that there is a significant legal issue to be resolved. As in O'Shea, any potential issue has been remedied by the Board, and any remedy requiring future action by the Board would amount to a declaratory opinion. There is no question that the OPMA requires meeting minutes to be made publicly available promptly after meetings, and the Willingboro School District's own policies say as much, so there is no real legal question to be answered. Therefore, I **CONCLUDE** that the matter is moot.

Based on the above, I **CONCLUDE** that petitioner failed to sustain his burden of establishing that the Board violated the OPMA.

ORDER

Based on the foregoing, it is hereby **ORDERED** that respondent's motion for summary decision is **GRANTED**.

I hereby **FILE** my 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**, which 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.

July 1, 2026

DATE



NICOLE T. MINUTOLI, ALJ

Date Received at Agency:

Date Mailed to Parties:

NTM/tc

APPENDIX

Exhibits

For petitioner:

Opposition to Respondent's Motion for Summary Decision

For respondent:

Motion for Summary Decision and Reply to Petitioner's Opposition