

***Before the School Ethics Commission***  
***Docket No.: C140-25***  
***Decision on Probable Cause***

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**Yasmin Mebarez and Omar Saber,**  
***Complainants***

v.

**Melissa Avgerinos,**  
**Wayne Township Board of Education, Passaic County,**  
***Respondent***

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**I. Procedural History**

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on December 30, 2025, by Yasmin Mebarez and Omar Saber (Complainants), alleging that Melissa Avgerinos (Respondent), Principal in the Wayne Township School District (District), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(d)*.

On January 16, 2026, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. Complainants did not file a response to the allegation of frivolous filing.<sup>1</sup>

The parties were notified by correspondence dated May 19, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on May 26, 2026, to determine whether probable cause exists and whether the Complaint is frivolous. Following its discussion on May 26, 2026, the Commission adopted a decision at its meeting on June 23, 2026, finding the Commission does not have jurisdiction over the allegations in the Complaint as they do not arise under the Act, and administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C. 6A:28-9.2(a)(1)*.

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<sup>1</sup> The Commission notes that it sent letters to Complainants informing them of their right to respond to the allegation of frivolous filing on January 22, 2026, March 9, 2026, and April 2, 2026. The Commission did not receive a response to the allegations.

## II. Summary of the Pleadings

### A. *The Complaint*

According to Complainants, on November 26, 2025, their child was involved in an incident at school that Respondent (principal), the guidance counselor and the School Resource Officer (SRO) were investigating. “[D]espite verifying that [Complainants’ child] made no threat,” Complainants assert that the police were contacted. Complainants maintain the matter was an “alleged ‘threat’” and their child was questioned by Respondent, not allowed to speak for himself during the interview and Respondent made “an intimidating comment,” namely “this is what all boys say when they get caught.” According to Complainants, on that same day, when leaving school “unsupervised,” the other child’s mother approached Complainants’ child on school property “and subjected [their] child to intimidating and developmentally inappropriate questioning.” Complainants maintain the “unfounded allegation against [their child] resulted in unnecessary escalation, involvement of law enforcement, and improper questioning.” Complainants maintain the other child that was involved in the incident is the child of a longtime friend of the guidance counselor.

With the above in mind, in Count 1, Complainants assert Respondent violated *N.J.S.A.* 18A:12-24(d) because she presumed guilt based on gender stereotypes and refused to consider a student’s explanation demonstrating bias and lack of impartial judgment; and violated *N.J.S.A.* 18A:12-24(b) because discrediting their child based on gender stereotypes while elevating another student’s version of events resulted in unequal and unwarranted treatment, disadvantaging their child through misuse of authority and to protect the child of her counselor’s best friend.

In Count 2, Complainants provide that they requested that their child be present at the parent meeting regarding allegations against their child, and Respondent refused, citing the Family Educational Rights and Privacy Act (FERPA), despite the meeting being related to the child and the child’s statements. Complainants contend Respondent violated *N.J.S.A.* 18A:12-24(c) because the misapplication of FERPA to exclude a student from a meeting concerning allegations against the student deprived the child of an opportunity to be heard and created the appearance of procedural unfairness. Complainants further contend excluding the child, while permitting biased decision-making, imposed an unwarranted disadvantage and prevented meaningful participation.

In Count 3, Complainants maintain that Respondent was aware of the guidance counselor’s “role and relationship” with the other student’s family and “allowed the counselor to continue investigating a matter involving her close personal friend’s child.” Complainants further maintain Respondent “permitted escalation, police involvement, and exclusion of [their child] from meetings without intervening or assigning an impartial investigator. Complainants assert Respondent violated *N.J.S.A.* 18A:12-24(c) by permitting a conflicted employee to act in an official capacity, Respondent acted in a matter where objectivity was reasonably impaired. In addition, Respondent allowed conflicted decision-making, which is a violation without direct personal involvement.

In Count 4, Complainants contend that Respondent “escalated the situation to law enforcement” and allowed the guidance counselor to investigate the matter involving her close personal friend’s child, despite verifying that a threat was not made, a weapon was not found and there was not any “confirmation” from classmates or teachers. Complainants further contend Respondent violated *N.J.S.A. 18A:12-24(b)* because the involvement of law enforcement “created an unwarranted and disproportionate consequence for [their child] to similarly serious incidents involving other students” and Respondent “allowed the unwarranted privilege to occur”; and violated *N.J.S.A. 18A:12-24(c)* because “escalation occurred in a context where personal involvement impaired independent judgment” [and] Respondent did not follow proper protocol and procedure as the head of the school.

In Count 5, Complainants assert that the mother of the other child who was involved in the incident approached their child on school property when their child was “dismissed late and without supervision.” According to Complainants, they reported this to Respondent, who stated, “she could not intervene or contact the parent,” and despite reviewing the school’s camera footage, she did not follow up with Complainants. Complainants further assert Respondent violated *N.J.S.A. 18A:12-24(b)* because she failed “to supervise dismissal while allowing another parent to exert influence [and] created an unwarranted and unsafe disadvantage to [their child] through misuse of administrative authority; and violated *N.J.S.A. 18A:12-24(c)* because Respondent’s “response discouraged reporting and favored another parent, resulting in unequal treatment and misuse of authority to the detriment of [their child] and Respondent’s “failure to review evidence is a serious matter, particularly one involving conflicts of interest, demonstrates impaired independence of judgment in an official investigation.”

In Count 6, Complainants note that Respondent previously contacted them to inform Complainants that another student told their child he was going to “shoot a gun at [their child’s] head after school,” and that “did not involve police escalation.” Complainants contend Respondent violated *N.J.S.A. 18A:12-24(c)* because she applied “materially different protocols to similar or more serious safety incidents [which] constitute[es] selective enforcement and reflects impaired objectivity and misuse of authority.”

## **B. *Written Statement and Allegation of Frivolous Filing***

In her Written Statement, which includes an allegation of frivolous filing, Respondent argues that Complainants’ assertions that she “somehow acted unethically and committed prohibited acts under the law by following District policies and procedures in her role as Principal during an investigation, have no factual or legal basis, are all denied and this matter should be dismissed.” Respondent further argues that Complainants do not “properly assert violations of” *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and/or *N.J.S.A. 18A:12-24(d)*.

Respondent provides that after receiving a concerning email from a parent regarding Complainants’ child, she asked the guidance counselor to look into the matter. Respondent further provides that after interviewing the subject child and other student witnesses, the guidance counselor presented the information to Respondent and “the District notified law enforcement, as this behavior was consistent with the offenses that require mandatory reporting

due to the mention of access to knives and bringing same to school, and the threat made to cause death or serious bodily injury to another person.”

Regarding a violation of *N.J.S.A.* 18A:12-24(b), Respondent maintains that Complainants’ “statements are unsupported by any actual evidence and [are] frankly completely false, [and] they also do not provide any support for a violation, as there is nothing in these claims that show Respondent utilized her position to secure unwarranted advantages for others.”

As to a violation of *N.J.S.A.* 18A:12-24(c), Respondent argues that Complainants have not demonstrated that a benefit has been “incurred by Respondent or her immediate family from her actions, nor any direct or indirect financial involvement that may have impaired her independent judgment; therefore, there are insufficient facts to demonstrate a violation of *N.J.S.A.* 18A:12-24(c).

Regarding a violation of *N.J.S.A.* 18A:12-24(d), Respondent notes that Complainants’ allegations and “facts” are unsupported by any actual evidence, but even if the allegations were true, *N.J.S.A.* 18A:12-24(d) “does not provide an open-ended claim of bias and ‘lack of impartial judgment[,]’” but rather “it specifically designates that a violation of the prohibited act only occurs when an official’s independent judgment is affected by the school official undertaking employment or service.” Respondent notes that was not the case here.

Finally, Respondent asserts the Complaint is frivolous because it was filed “due to parental frustration with [Respondent’s] disciplinary actions, and the Complaint does not present probable cause for further consideration.” Respondent further asserts despite Respondent “in good faith, having follow-up conversations and meetings with Complainants and even making accommodations to the classification of the incident report at their request, Complainants seek to air their frustrations with the Principal’s disciplinary decisions and retaliate against [Respondent’s] appropriate and proper following of District policy and procedures . . . targeting Respondent.”

### **C. *Response to the Allegation of Frivolous Filing***

The Commission notes that Complainants did not provide a response to the allegation of frivolous filing.

## **III. Analysis**

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C.* 6A:28-9.7. A finding of probable cause is not an adjudication on the merits but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted. Pursuant to *N.J.A.C.* 6A:28-9.7(a), probable cause “shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the Act has been violated.”

### *Jurisdiction of the Commission*

In reviewing the allegations in this matter, the Commission notes that its authority is limited to enforcing the Act, *N.J.S.A.* 18A:12-21 *et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C.* 6A:28-1.4(a).

With the jurisdiction of the Commission in mind, to the extent that Complainants seek a determination from the Commission that Respondents may have violated any Board policies or FERPA, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. Additionally, the Commission notes that it does not have jurisdiction over student disciplinary investigations and does not review said investigations, including the process of the investigations or outcome of said investigations. Further, the Commission does not have jurisdiction over the actions of the guidance counselor, as the guidance counselor is not a school official, as defined in the Act.

In accordance with *N.J.S.A.* 18A:6-9, the Office of Controversies and Disputes within the Department of Education assists the Commissioner of Education in using the process established by the Administrative Procedure Act to hear and decide disputes that arise under the State school laws (which includes student discipline, including suspensions and/or expulsions).<sup>2</sup> Accordingly, Complainants were able to pursue a cause of action in the appropriate tribunal.

Therefore, with the above reasons in mind, the Commission finds that it does not have jurisdiction over the allegations in the Complaint as they do not arise under the Act. As the Commission is authorized, in accordance with *N.J.A.C.* 6A:28-9.2(a)(1), to administratively dismiss a complaint for lack of jurisdiction pursuant to *N.J.A.C.* 6A:28-1.4, the Commission finds that the Complaint should be dismissed.

#### **IV. Request for Sanctions**

At its meeting on June 23, 2026, the Commission considered Respondent's request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence that might show that Complainants filed the Complaint in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainants knew or should have known that the Complaint was without any reasonable basis in law or equity, or that it could not be supported by a good faith argument for an extension, modification or reversal of existing law. *N.J.A.C.* 6A:28-1.2. Therefore, at its meeting on June 23, 2026, the Commission adopted a decision finding the Complaint not frivolous, and denying the request for sanctions.

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<sup>2</sup> It is unclear what discipline was imposed on Complainants' child.

**V. Decision**

Based on the foregoing, and pursuant to its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(1), the Commission administratively dismisses the above-captioned matter for lack of jurisdiction pursuant to *N.J.A.C.* 6A:28-1.4. Additionally, the Commission voted to find the Complaint not frivolous, and to deny Respondent's request for sanctions.

The within decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court-Appellate Division. *See, New Jersey Court Rule 2:2-3(a)*. Under *New Jersey Court Rule 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.

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Robert W. Bender, Chairperson

Mailing Date: June 23, 2026

***Resolution Adopting Decision  
in Connection with C140-25***

***Whereas***, at its meeting on May 26, 2026, the School Ethics Commission (Commission) considered the Complaint and the Written Statement and the allegation of frivolous filing submitted in connection with the above-referenced matter; and

***Whereas***, at its meeting on May 26, 2026, the Commission discussed administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(1) due to lack of jurisdiction pursuant to *N.J.A.C.* 6A:28-1.4, as the allegations in the Complaint do not arise under the Act; and

***Whereas***, at its meeting on May 26, 2026, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

***Whereas***, at its meeting on June 23, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 26, 2026; and

***Now Therefore Be It Resolved***, that the Commission hereby adopts the decision and directs its staff to notify all parties to this action of its decision herein.

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Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on June 23, 2026.

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Brigid C. Martens, Director  
School Ethics Commission