

Before the School Ethics Commission
Docket No.: C32-26
Decision on Probable Cause

**Ayodele Forde,
Complainant**

v.

**Joanne Barkauskas and Jennifer Parker,
Mountain Lakes Board of Education, Morris County,
Respondents**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on April 4, 2026,¹ by Ayodele Forde (Complainant), alleging that Joanne Barkauskas and Jennifer Parker (Respondents), members of the Mountain Lakes Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint avers that Respondents violated *N.J.S.A. 18A:12-24.1(g)* of the Code of Ethics for School Board Members (Code). On April 29, 2026, Respondents filed a Written Statement.

The parties were notified by correspondence dated August 18, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on August 25, 2026, to determine whether probable cause exists. Following its discussion on August 25, 2026, the Commission adopted a decision at its meeting on September 22, 2026, finding that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as alleged in the Complaint and dismissing the matter.

II. Summary of the Pleadings

A. *The Complaint*

Complainant provides that on September 10, 2025, an incident occurred at the middle school involving a student. Complainant further provides “[m]ultiple police vehicles responded to the school, making the event highly visible to students, staff, and community members.” As a result, at the Board meeting on September 15, 2025, the incident was brought up during public

¹ On March 9, 2026, Complainant filed a deficient Complaint; however, on April 4, 2026, Complainant cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C. 6A:28-6.3*.

comment by a community member with “the meeting minutes reflect[ing] that the discussion involved concerns about incidents affecting the school community and safety issues raised by members of the public.”

Complainant asserts that Respondents, President and Vice-President of the Board, violated *N.J.S.A. 18A:12-24.1(g)* by “permitting discussion during the public meeting that could reasonably lead to identification of a student involved in a disciplinary matter, Respondents failed to uphold their ethical obligation to protect confidential student matters.”

B. *Written Statement*

In their Written Statement, Respondents initially note “there is not a single factual allegation that states that either Respondent actually did anything or took any action.”

Respondents “admit that they are aware (but do not have personal knowledge of) an ‘incident’ took place” at the middle school, which involved a disciplinary matter involving a student. Respondents admit that the school community “received an email notification regarding the shelter in place that took place on September 10, 2025; however, Respondents cannot opine as to the community’s awareness of the incident beyond that email.” Respondents admit that the Board held a meeting on September 15, 2025. Respondents admit that in accordance with the Open Public Meeting Act (OPMA) and Board Policy, it is required to “set aside a portion of every meeting” for public comment and in accordance with those policies the Board did that at the meeting on September 15, 2025. Respondents admit that a community member said, “I was surprised when my kids came home today and said . . . the kid’s back in school.’ Now, if the kid didn’t do anything wrong, why would we expel him?” and Respondent Parker responded, “I’m sorry. I’m going to stop it. You can . . . please don’t bring up any kids. Sorry, I just have to stop it.”

Respondents note Complainant *does not* allege that Respondents took action to reveal information that was not public or that was confidential. Respondents further note Complainant does not provide any evidence to support that Respondents provided inaccurate information. Respondents maintain that Complainant “generically states that ‘allowing public discussion that could reasonably identify a student involved in a disciplinary matter created a risk of harm to the student’s reputation and dignity,’ and that ‘by permitting discussion during the public meeting that could reasonably lead to identification of a student involved in a disciplinary matter,’” and therefore, Respondents “failed to uphold their ethical obligation to protect confidential student matters.” Respondents further maintain that Complainant has not provided any evidence to demonstrate that either Respondent “***took action*** to make public, reveal, or disclose information that was not public under any laws, regulations, or court orders of this State, or was otherwise confidential.”

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.”

Alleged Violation of the Act

Complainant submits that Respondents violated *N.J.S.A.* 18A:12-24.1(g), and this provision of the Code provides:

g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation of *N.J.S.A.* 18A:12-24.1(g) need to be supported by certain factual evidence, more specifically:

7. Factual evidence of a violation of the confidentiality provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that Respondents took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that Respondents violated the inaccurate information provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that substantiates the inaccuracy of the information provided by Respondents and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances.

After review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(g) was violated. Complainant has not articulated what information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices was revealed or disclosed by Respondents. The Commission notes that Respondents would not be responsible for information that was disclosed by third parties; additionally, in this matter, Respondents contend they put a stop to the discussion in public session regarding the student.

Accordingly, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation of *N.J.S.A.* 18A:12-24.1(g).

IV. Decision

In accordance with *N.J.S.A.* 18A:12-29(b), and for the reasons detailed herein, the Commission hereby notifies Complainant and Respondents that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to

believe that the Act was violated as alleged in the Complaint and, consequently, dismisses the above-captioned matter. *N.J.A.C.* 6A:28-9.7(b).

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.

Dennis M. Roberts, Chairperson

Mailing Date: September 22, 2026

***Resolution Adopting Decision
in Connection with C32-26***

Whereas, at its meeting on August 25, 2026, the School Ethics Commission (Commission) considered the Complaint and the Written Statement submitted in connection with the above-referenced matter; and

Whereas, at its meeting on August 25, 2026, the Commission discussed finding that the facts and circumstances presented in the Complaint and the Written Statement would not lead a reasonable person to believe that the Act was violated, and therefore, dismissing the above-captioned matter; and

Whereas, at its meeting on September 22, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on August 25, 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.

Dennis M. Roberts, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on September 22, 2026.

Brigid C. Martens, Director
School Ethics Commission