

**New Jersey Commissioner of Education**  
**Final Decision**

P.S., on behalf of minor child, T.S.,

Petitioner,

v.

Board of Education of the Township of East  
Brunswick, Middlesex County; Michael Vinella  
Principal; and Glen Pazinko, Assistant Principal,

Respondents.

**Synopsis**

Pro se petitioner filed an appeal in January 2019, opposing the Board’s imposition of a penalty of one Saturday detention upon her son, T.S., following his involvement in a conversation about school shootings with two other male students. Petitioner, *inter alia*, questioned the process followed by school administration in this matter and contended that the Board had acted in an arbitrary and capricious manner in assigning discipline to her son after a search of their home revealed no weapons or evidence that T.S. was planning a school shooting. The Board argued that T.S. had violated the district’s policies and regulations regarding student discipline and the student code of conduct by making what could be considered terroristic threats against the school, and the discipline of a one-day Saturday detention was the appropriate punishment.

The ALJ found, *inter alia*, that: the issue for resolution here is whether the alleged statements by T.S. warrant the discipline of a one day detention, and if so, whether the Board acted appropriately in issuing that penalty to T.S.; the preponderance of evidence showed that T.S. voluntarily made statements to two other students in the school cafeteria – and later admitted to making statements to two other students – regarding school shootings, including asking what would happen if a shooter came into the school, and asking if the police could disarm the shooter if the shooter was using an AR-15 (rifle); the imposition of discipline was appropriate in this case; and the petitioner failed to carry her burden of proof to show that the Board’s action was unlawful, arbitrary, capricious, or unreasonable. Accordingly, the ALJ affirmed the Board’s decision in this matter and dismissed the petitioner’s appeal.

Upon comprehensive review and for the reasons stated in the Initial Decision, the Commissioner concurred with the ALJ’s findings and determination in this case. Accordingly, the Initial Decision was adopted as the final decision in this matter and the petition was dismissed.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

October 15, 2019

**New Jersey Commissioner of Education**  
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v.

Board of Education of the Township of  
East Brunswick, Middlesex County;  
Michael Vinella, Principal; and  
Glen Pazinko, Assistant Principal,

Respondents.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed by petitioner pursuant to *N.J.A.C. 1:1-18.4*. The Board did not file a reply.

By way of background, this matter involves a conversation about school shootings between T.S. and two other students on November 13, 2018, in which T.S. is alleged to have said the following: “If I came into the school and shot it up how many people do you think I could kill?”; “I’ll shoot the cops”; “I’ve made a list before”; and “I would do it with an AR-15.” (Initial Decision at 5). The principal and superintendent became aware of the situation after a student notified a guidance counselor. Thereafter, they informed the school resource officer, and the East Brunswick Police conducted a search of petitioner’s home for weapons, finding none. According to police, T.S. admitted to making the comments, but claimed it was in a joking manner with no serious intent. The Board imposed a Saturday detention on T.S. as discipline for

the infraction, but agreed that the incident would be listed in T.S.'s school record as "inappropriate language" rather than a "threat."

Petitioner filed an appeal challenging the Board's determination. After a hearing on the merits, the Administrative Law Judge (ALJ) found that petitioner did not meet her burden of demonstrating that the Board's action was unlawful, arbitrary, capricious, or unreasonable. The ALJ noted that the principal "testified credibly that he gave due consideration to a number of factors when imposing discipline on T.S., including the findings of no credible threat by the EB Police and the EBHS guidance department, the statements of all the students, and the fact that this was T.S.'s first violation of the Handbook." (Initial Decision at 11). While the district's policies and regulations authorized a greater penalty, the Board decided on a Saturday detention. As such, the ALJ concluded that the Board was reasonable in its determination that T.S. should serve a one-time suspension and that his record should reflect his violation of the student handbook.

In her exceptions, petitioner contends that the assistant principal forced students to give untrue statements about what they heard T.S. say. Additionally, petitioner alleges that the assistant principal acted inappropriately by interrogating T.S. in a room alone and forcing him to sign an admission.

Upon review, the Commissioner agrees with the ALJ – for the reasons expressed in the Initial Decision – that the Board did not act in an arbitrary, capricious, or unreasonable manner, or contrary to law, when it imposed a Saturday detention on T.S. for his comments relating to school shootings. The Commissioner does not find petitioner's exceptions to be persuasive. In the Initial Decision, the ALJ addressed her argument that her son was the victim of a scheme by other students, and that the school administration acted in bad faith by "creating a

narrative to satisfy a preordained decision.” (Initial Decision at 11). The Commissioner agrees with the ALJ that petitioner failed to present credible evidence to support her theories.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter, and the petition is hereby dismissed.

IT IS SO ORDERED.<sup>1</sup>

COMMISSIONER OF EDUCATION

Date of Decision:     October 15, 2019  
Date of Mailing:     October 16, 2019

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36 (N.J.S.A 18A:6-9.1)*.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDU 02475-19

AGENCY DKT. NO. 10-1/19

**P.S. ON BEHALF OF MINOR CHILD, T.S.,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE TOWNSHIP  
OF EAST BRUNSWICK, MIDDLESEX COUNTY;  
MICHAEL VINELLA, PRINCIPAL; AND  
GLEN PAZINKO, ASSISTANT PRINCIPAL,**

Respondents.

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**P.S.** on behalf of minor child, **T.S.**, petitioner, pro se

**Frances L. Febres**, Esq., for respondents (Cleary Giacobbe Alfieri Jacobs, LLC,  
attorneys)

Record Closed: August 26, 2019

Decided: August 28, 2019

BEFORE **TRICIA M. CALIGUIRE**, ALJ:

**STATEMENT OF CASE**

Petitioner P.S. on behalf of minor child, T.S. (P.S.), appeals the decision of respondents, Board of Education of the Township of East Brunswick (Board), Middlesex County, Dr. Michael

Vinella (Vinella), Principal of East Brunswick High School (EBHS), and Glen Pazinko, Assistant Principal of EBHS, to impose the penalty of detention on her son T.S.

### **PROCEDURAL HISTORY**

On January 14, 2019, P.S. filed a petition of appeal against respondents with the Office of Controversies and Disputes of the New Jersey Department of Education (DOE). On February 1, 2019, respondents filed an answer by which they denied all claims. On February 5, 2019, DOE transmitted this matter to the Office of Administrative Law (OAL) to be heard as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

Prehearing telephone conferences were held on April 2 and May 29, 2019, and a hearing was held on June 4, 2019, after which the record remained open for the parties to obtain transcripts of the hearing and submit written closing summations. On July 9, 2019, the parties received the transcript. On July 11 and 16, 2019, the parties participated in telephonic settlement conferences. The parties were unable to reach settlement<sup>2</sup> and respondent submitted a post-hearing brief on August 8, 2019. Petitioner submitted her post-hearing brief on August 14, 2019. Neither party filed a response brief; the record closed on August 26, 2019.

### **FACTUAL DISCUSSION AND FINDINGS**

By way of background, this matter involves an incident that took place on November 13, 2018, in the EBHS cafeteria. T.S. and two other male students, F.A. and N.D., had a discussion about school shootings. Although there is some dispute over whether this discussion was or could have been overheard,<sup>3</sup> a student who was not at the same table alerted a guidance counselor of the discussion by email, and the guidance counselor in turn forwarded the student email to Vinella after school hours. Vinella notified Superintendent Dr. Victor Valeski (Valeski). They decided to contact the school resource officer (SRO), who contacted the East Brunswick Police Department (EB Police). That same evening, the EB

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<sup>2</sup> In her post-hearing brief, P.S. questions the intention of respondent to negotiate in good faith and asserts that the refusal of the Board to approve the proposed settlement is further evidence of a pattern of bad faith. Ltr. Br. of Pet'r (August 12, 2019) at 3. Although the proposed settlement is not part of the record, for clarity, I note that while counsel for respondent presented a settlement agreement to the Board after petitioner accepted its terms, the Board voted against the agreement.

<sup>3</sup> See, P-7, transcript of voice message from F.A. in which he states "me, [N.D. and T.S.] were the only ones that heard it."

Police conducted a search of T.S.'s home for weapons. Weapons were not found. I **FIND** the preceding as **FACTS**.

Petitioner's letter of appeal includes a detailed description of events occurring on, before, and following the above-described incidents, and petitioner seeks forms of relief which are outside the jurisdiction of this tribunal. Therefore, prior to taking testimony, I reminded the parties that the dispute in this matter is limited to whether the decision of the EBHS administration in imposing the penalty of detention on T.S. was appropriate. The decision of the EBHS administration to investigate an allegation that students, including T.S., were making statements regarding school shootings is not at issue, nor is the decision of the administration to notify the SRO of the allegations and/or the subsequent actions of the EB Police except to the extent, if any, that the conclusions of the EB Police were considered by the administration in determining the penalty imposed on T.S.

Petitioner P.S. and her husband, V.S., testified and introduced documentary evidence. Respondent called Vinella to testify and introduced documentary evidence. Based on the testimony and documentary evidence, I **FIND** the following additional **FACTS**:

T.S. is a male student at EBHS. On November 13, 2018, he was fifteen years old and a sophomore at EBHS. Prior to the incident in question, T.S. had not been disciplined by the EBHS administration.

EBHS publishes a "Student/Parent Handbook" (Handbook) each year. (R-1.) At the beginning of the school year, the students watch a video review of the Handbook, which is available to students and parents online. A summary of the Handbook is included in the EBHS agenda books; all students must by signature state that they have received the Handbook.

The Handbook describes the various forms of discipline that may be administered, including detention. (R-1 at 23.) Infractions that may result in discipline are defined. (R-1 at 25-28.) The Handbook includes no specific prohibition against talking about school shooting(s) but the Handbook states that additional behavior(s) not described may be subject to punishment. Specifically, the Handbook defines the infraction of "Administrative Action" as follows:

Any other inappropriate student behavior/act not mentioned in this book may be subject to administrative action. These incidents may include, but are not limited to, behaviors/acts which result in violence to another's person or property or which threaten the safety of others in the school, on school property, on school buses, or at any school activity. These actions may result in consequences that range from an immediate informal hearing to expulsion from school. Parent/ guardian notification is required. Serious violations shall be reported in writing to the [EB Police], and a formal criminal complaint shall be filed by the administration as appropriate. The foregoing is not meant to preclude any criminal or civil action taken by the student victim or his/her parents/guardians.

[(R-1 at 28.)]

The Board has adopted policies and regulations regarding student discipline and a code of conduct. (District Policy, R-2; District Regulations, R-3.) The District Policy provides in pertinent part:

The Student Discipline/Code of Conduct Policy and Regulation shall be disseminated annually to all school staff, students and parents. . . . Policy and Regulation 5600 include a description of school responses to violations of behavioral expectations established by the Board that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors pursuant to N.J.S.A. 6A:16-7.1(c)5. . . . Any student to be disciplined shall be provided the due process procedures for students and their families as set forth in Policy and Regulation 5600 and N.J.A.C. 6A:16-7.2-7.4.

[(R-2.)]

The District Regulations on discipline provide for detention as an option for just two types of pupil misconduct:

Minor behavior on the part of the pupil that impedes orderly classroom procedures or interferes with the orderly operation of the school.

Misbehavior whose frequency or seriousness tends to disrupt the learning climate of the school.



[(R-3.)]

Vinella described the purpose of discipline as to “help change behavior,” alert students to problems with behavior, and deter future inappropriate behavior, Tr. (June 4, 2019), at 13, and to ensure the safety of students as well as to “ensure appropriate discussions take place in school.” Id. at 26. When issuing discipline, Vinella stated he considers the event in question, subsequent events that result, the grade and cognition levels of the student, and the student’s disciplinary history. Id. at 17, 28.

Based on the EB Police Report filed on November 13, 2018, Officer Thomas Soulias (Soulias), EB Police, was dispatched to N.D.’s home to investigate “terroristic threats.” (P-2.) Soulias spoke with N.D. and his stepmother. N.D. told Soulias that T.S. made the following comments:

If I came into the school and shot it up how many people do you think I could kill?

I’ll shoot the cops.

I’ve made a list before.

I would do it with an AR-15.

[(Id.)]

N.D. knew that a female friend of his had notified a guidance counselor regarding this discussion. He stated that he had known T.S. “since elementary school and that he had never heard him ever make statement like these before[.]” Id.

Detective Joseph Bauer, EB Police, conducted the search of the S. home and spoke with T.S. and his parents. Bauer reported that T.S. “admitted to making such comments, but that there was no serious intent and that they were made in a joking manner.” Id. Bauer did not find any weapons in the S. home and contacted Vinella to report that no credible threat was found. Vinella asked the officer to direct P.S. and V.S. to accompany T.S. to school the next morning to meet with him before school hours. Although P.S. complained that her own physical condition made it difficult for her to do so, P.S. did

accompany T.S. to EBHS to meet with Vinella, Pazinko, and Peggy Haas (Haas), Student Assistant Specialist.<sup>4</sup>

Vinella stated that he asked for the meeting to get greater clarification as to the incident in the cafeteria so he could decide “what school action needed to be taken according to [the EBHS Code of Conduct].” Tr. at 21.<sup>5</sup> During this meeting, T.S. stated that in the cafeteria the previous day, he, F.A. and N.D. talked about school shooting but made no direct threats. Vinella asked T.S. to meet with Haas and another counselor. Based on the counselors’ recommendation, the police report, and the parents’ statements, Vinella deemed that T.S. did not present a direct and immediate threat to the school and he was allowed to return to class. Id. at 25-26.

Vinella determined that based on the Handbook, the action of T.S. warranted discipline. Even though a suspension would normally be given, Vinella decided that a detention was the appropriate punishment under all the circumstances, including that T.S. has no other infractions on his record. Id. at 29. On November 16, 2018, Pazinko issued the notice of detention to T.S. (P-8.) On November 15 and 19, 2018, T.S. and V.S. respectively, submitted appeals to a number of EBHS officials, including Valeski and Vinella. (R-6; P-1.) Vinella stated that he met with T.S. to discuss his appeal and spoke by telephone with V.S. On December 11, 2018, Vinella sent written notice to P.S. and V.S. that the appeals were denied and that T.S. would serve a Saturday detention on January 12, 2019.<sup>6</sup> (R-7.) Vinella and V.S. engaged in at least one additional conversation regarding the infraction code used in the incident report in T.S.’s school record; they agreed that the infraction should be described as “inappropriate language” rather than a “threat.” (R-4; R-5.)

## **DISPUTED ISSUES**

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<sup>4</sup> Vinella further described Haas’s position as a counselor. Tr. at 22.

<sup>5</sup> Detective Bauer reported that Vinella stated that T.S. could only return to school if accompanied by his parents. (P-2.) The District Regulations provide that a “parent may be required to attend a meeting with the Principal . . . to discuss the student’s conduct and to ensure the parent and the student understand school rules and expectations.” (R-3 at 5600.G.3.a.)

<sup>6</sup> T.S. served the detention on January 12, 2019. P.S. brought this action to challenge the decision to impose the detention and, if successful, to clear T.S.’s record.

By their testimony and documentary evidence, P.S. and V.S. raised issues related to the process followed by the EBHS administration. They were both, at the least, surprised by the decisions to notify the EB Police and to issue a detention to T.S. as a result of this incident, describing them as “quick and hastily judged,” and stated that EBHS should have looked into the matter further before sending the police to the S. home.<sup>7</sup>

P.S. stated that she was never fully informed as to the accusations against T.S. during the meeting of November 14, 2018. In particular, P.S. criticized the inconsistency of the responses to the incident between the EBHS counseling staff, who allegedly told her there was nothing to worry about and were willing to blame N.D., and the EBHS administration, who issued the discipline to T.S.

Both parents claim that T.S. never admitted to making the statements attributed to him and blame Pazinko for making it up and then calling P.S. a liar when she challenged him. See, Tr. at 101. V.S. filed a report with the EB Police alleging unfair treatment by the administration and slander by Pazinko. (P-9.) Petitioner introduced the transcript of a voice mail recording made by F.A., who appears to concede that he told respondent what he felt was necessary to be done with the matter. (P-7.)<sup>8</sup> On November 14, 2018, F.A., however, wrote and signed a statement regarding what he heard from T.S. which contradicts his voice mail statements. (P-4.)

On more than one occasion, P.S. requested an apology from the EBHS administration. V.S. too stated that he only wants to clear T.S.’s name and get an apology for the S. family. Besides the black mark on T.S.’s permanent school record, his parents allege that respondents’ actions put T.S. under stress and harmed his reputation among his peers.

P.S. and V.S. offered alternate bases for T.S.’s exoneration; first, that the discussion of school shootings was topical, is not specifically prohibited by the Handbook, and had this conversation taken place in a classroom, in the context of a lesson on current events, T.S. would not have been disciplined.

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<sup>7</sup> Based on Vinella’s testimony, he notified the SRO and this officer sent the EB Police to the S. home. Given, however, that most SROs are members of the local police force, Vinella effectively notified the EB Police.

<sup>8</sup> Although F.A. did not appear at hearing to corroborate this hearsay statement, both parties reviewed the tape prior to the hearing and respondent raised no objections to the introduction of the transcript and its consideration by the undersigned.

Second, petitioner claims that N.D. took advantage of a casual conversation to get back at T.S. for interpersonal problems the boys had been having for some time.<sup>9</sup> The “hit list” that T.S. allegedly told N.D. about was just a list of “weird names,” interpreted by N.D. as a hit list. (See, P-6.) P.S. stated that Haas told her that N.D. was the problem and had caused significant problems for other students. Tr. at 82. They claim that it was N.D. who supplied the information to the student who sent the email to the guidance counselor (which then led to the investigation). V.S. stated that he tried to explain to respondent that T.S. and N.D. had prior issues, but no one would listen.

Finally, P.S. and V.S. contend that Vinella failed to consider T.S.’s entire record which is devoid of prior discipline, the findings of the EB Police of no threat, the findings of the guidance counselors of no threat, and the involvement of the other students. For his part, Vinella claimed he took all of the above into consideration, as well as the discretion afforded him by the Handbook and Board policies and regulations. Further, he stated that the other participants in the lunchroom conversation also received discipline.

It goes without saying that a visit from the local police is cause for concern, and it must have been especially disturbing for P.S. and V.S. to watch the EB Police search their home for weapons allegedly belonging to their fifteen-years old son. But, as discussed with the parties, the decision of the EBHS administration to notify the EB Police and the subsequent actions of the police are not under review.

While the actions of N.D. and his female classmate may have been, as alleged by petitioner, an elaborate, and successful, plan to obtain retribution against T.S. for past slights, there is no credible evidence to support that claim.<sup>10</sup> Weighing strongest in petitioner’s favor are the statements of T.S. that after a short back-and-forth about school shooting-related topics, he and the other boys went back to looking at their phones, an indication that none of them paid much attention to the conversation. (See, P-3; P-6.) None of the students, however,

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<sup>9</sup> In her brief, P.S. stated that N.D. initiated the conversation, but T.S.’s written statement made clear that he was not simply responding to questions posed by N.D., but posed questions of his own to N.D. Br. of Pet’r, at 2; see, P-3.

<sup>10</sup> Petitioner introduced a copy of an unauthenticated text message allegedly written by N.D. to T.S., in which N.D. apologizes for what he has done. Even if this message were authenticated, which it was not, the sender does not state that he lied to the EBHS administration or to the EB Police and, therefore, it would be of little use in exonerating T.S. (P-11.)

were called to testify; petitioner did not present affidavits from Haas or other EBHS personnel in which they describe N.D.'s history.

There is no evidence that Vinella or other members of the EBHS administration acted in a manner contrary to their responsibilities as outlined in the Handbook, Board policies and/or regulations. If the results of the EB Police investigation had been different, the same quick decision to involve the police would have been lauded, not criticized. Finally, and most significant, the preponderance of credible evidence supports the **FINDING** that on November 13, 2018, while in the EBHS cafeteria, T.S. voluntarily made statements to two other students, and later admitted to making statements to two other students, regarding school shootings, including asking what would happen if a shooter came into the school and asking if the police could disarm the shooter if the shooter was using an AR-15 (gun). (P-3; P-6.)

### **LEGAL ANALYSIS AND CONCLUSIONS**

The issues for resolution are whether the above-described statements made by T.S. warrant discipline under the Handbook, District Policy and/or District Regulations and, if so, whether the EBHS administration acted appropriately in issuing to T.S. the penalty of a Saturday detention.

As noted by respondent, the DOE requires local boards of education to adopt and implement codes of student conduct which establish "standards, policies and procedures" for student behavior on school grounds and to support and maintain a "civil, safe, secure, supportive and disciplined school environment conducive to learning." N.J.A.C. 6A:16-7.1. School boards are routinely granted broad discretion in the enforcement of student codes of conduct. See, L.B. o/b/o S.C. v. Hamilton Tsp. Bd. of Educ., OAL Docket No. EDS 08561-17 (June 22, 2017).

Actions within a school board's authority, including the adoption and implementation of disciplinary policies, are entitled to a presumption of correctness and will not be upset by the courts unless there is an affirmative showing that a decision is arbitrary, capricious or unreasonable. Thomas v. Bd. of Educ. of Morris Twp., 89 N.J. Super. 327, 332 (App. Div. 1965), affirmed, 46 N.J. 581 (1966). In general, a board of education's actions are entitled to a presumption of lawfulness and good faith. Where board actions are challenged, the

challenger bears the burden of proving that such actions were unlawful, arbitrary, capricious or unreasonable. Schuster v. Bd. of Educ. of the Twp. of Montgomery, 96 N.J.A.R.2d (EDU) 670, 676 [citing Schnick v. Westwood Bd. of Educ., 60 N.J. Super. 448 (App. Div. 1960), and Quinlan v. North Bergen Twp. Bd. of Educ., 73 N.J. Super. 40 (App. Div. 1962)].

In matters involving the exercise of a board of education's discretion, the scope of the Commissioner's review is "not to substitute his judgment for that of those who made the evaluation but to determine whether they had a reasonable basis for their conclusions." Kopera v. West Orange Bd. of Educ., 60 N.J. Super. 288, 296 (App. Div. 1960). Our courts have held that "[w]here there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached." Bayshore Sewage Co. v. Dep't of Envtl. Prot., 122 N.J. Super. 184, 199–200 (Ch. Div. 1973), affirmed, 131 N.J. Super. 37 (App. Div. 1974). To satisfy the arbitrary and capricious standard, petitioner must prove that respondent acted in either bad faith or in disregard to the circumstances.

State law obligates and authorizes respondent to maintain order and ensure the safety of the students and staff of EBHS. The duly adopted District Policy and Regulations authorize the EBHS administration to impose discipline, including detention, on a student when his or her behavior impedes the orderly operation of the school. Vinella testified credibly that he gave due consideration to a number of factors when imposing discipline on T.S., including the findings of no credible threat by the EB Police and the EBHS guidance department, the statements of all the students, and the fact that this was T.S.'s first violation of the Handbook. It is noteworthy that the District Policy and District Regulations authorized Vinella to impose a greater penalty on T.S., but he opted otherwise.

Petitioner and V.S. vigorously claim that their son is the victim of a well-orchestrated plan by disgruntled peers and/or of a pattern of bad faith on the part of an administration bent on creating a narrative to satisfy a preordained decision, but they failed to present competent and reliable evidence supporting either theory.

No code of conduct or policy can ever be as good at identifying and defusing potential threats to school safety as the real-time intelligence generated by students and teachers.

Respondent should be credited for encouraging action when potential problems are identified—even when the alleged threat turns out to be baseless. To rule against respondent here would undermine the authority given to the administration by the Legislature and DOE. The statements to which T.S. admitted making on school property had the potential to impede the orderly operation of EBHS and/or to disrupt the learning climate. Petitioner has not shown that the Board was arbitrary, capricious, or unreasonable in its determinations that T.S. should serve a one-day Saturday detention and that his record should reflect this one-time violation of the Handbook. Therefore, I **CONCLUDE** that petitioner did not carry her burden in proving that the Board's action was unlawful, arbitrary, capricious or unreasonable.

### **ORDER**

I **ORDER** that the decision of respondents Board of Education of the Township of East Brunswick, Dr. Michael Vinella, Principal of East Brunswick High School, and Glen Pazinko, Assistant Principal of East Brunswick High School, to impose the penalty of detention on petitioners' son T.S., is **AFFIRMED**, and petitioner's 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, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

August 28, 2019

DATE

  
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**TRICIA M. CALIGUIRE, ALJ**

Date Received at Agency:

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Date Mailed to Parties:

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## **APPENDIX**

### **WITNESSES**

#### **For Petitioner:**

P.S.

V.S.

#### **For Respondent:**

Dr. Michael Vinella

### **EXHIBITS**

#### **For Petitioner:**

- P-1 Email from V.S. to pett321@yahoo.com, Regarding Appeal and Complaint Letter to East Brunswick High School Admin., dated March 6, 2019
- P-2 East Brunswick Police Department, Investigation Report, Terroristic Threats 2C:12-3, dated November 13, 2018
- P-3 Handwritten Letter by T.S., dated November 14, 2018
- P-4 Redacted, Handwritten Letter by F.A., dated November 14 [2018]
- P-5 Redacted, Handwritten Letter by N.D., dated November 14, 2018
- P-6 Email from T.S. to M.H., dated November 15, 2018
- P-7 Email from Frances Febres to P.S., Regarding Recording, dated May 29, 2019

#### **For Respondent:**

- R-1 East Brunswick High School Student/Parent Handbook, 2018-2019
- R-2 East Brunswick Board of Education, District Policy, 5600-Student Discipline/Code of Conduct (M), Date Created: July 2012, Date Edited: August 2018
- R-3 East Brunswick Board of Education, District Regulation, 5600-Student Discipline/Code of Conduct (M), Section: Students; Date Created: July 2012; Date Edited: August 2018

- R-4 East Brunswick High School, Incident Summary Report-#1113201813, Disciplinarian: Glen Pazinko, Infraction Code: Inappropriate Language, dated November 16, 20189
- R-5 East Brunswick High School-Report 50950, Infraction 1: Inappropriate Language on November 13, 2018, dated May 9, 2019
- R-6 East Brunswick Public Schools, Student/Parent Appeal Form, Complete Reversal of the Decision of Detention, dated November 15, 2018
- R-7 Letter from Michael W. Vinella, Ph.D., Principal, East Brunswick High School, to the Parents/Guardian of T.S., Denial of Appeal Regarding Saturday Detention, Scheduled Saturday Detention on January 12 2019, dated December 11, 2018