



[REDACTED] J <[REDACTED]>

Re: Redacted HIB report

1 message

Robert Presuto <robert.presuto@boontonschools.org>

Tue, Apr 23, 2019 at 3:40 PM

To: [REDACTED] J [REDACTED] <[REDACTED]>

Mr. J [REDACTED],

I conferred with our school board attorney as I've never encountered a parent/guardian second request at either the school the district-level after the formal HIB hearing has taken place with the Board of Education.

After having done so, I am responding that the HIB decision and statute-provided appeal process have finished with the Board of Education and there will not be another discussion/appeal at the building or district level. As previously stated you can appeal the BOE's decision to the Commissioner of Education.

I'm not sure if I understand your sentence: "At the very least, we need more details about "no new information" to provide to the Commissioner, if that is the course of action you prefer we take." If you can elucidate further I will glad to respond to this particular question.

Robert Presuto

On Tue, Apr 23, 2019 at 8:03 AM [REDACTED] J [REDACTED] <[REDACTED]> wrote:

Hi Mr Presuto,

Actually, there is precedent for a "re-do". Perhaps, another formal meeting is not required; however, in this link

<https://www.state.nj.us/education/students/safety/behavior/hib/ParentGuide.pdf>

It states, on p21:

*"Appeal to the Commissioner of Education (N.J.S.A. 18A:37-15(b)6(e)) – Parents may appeal to the Commissioner of Education within 90 days of the board's decision on the CSA's report. **Before appealing to the Commissioner, parents typically should attempt to resolve the matter with school and school district officials, including with the board of education.** This process is described in the previous section titled *The 10 Steps of the Complaint and Investigation Process* (pages 17-19). For a more detailed description of the steps involved in petitioning to the Commissioner, please see either Appendix B of this guide, the NJDOE's website at http://www.state.nj.us/education/genfo/faq/faq_candd.htm, or chapter 3 of the document titled *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act* found at <http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf>."*

We are trying to give the board and the school every opportunity to resolve this. We are absolutely certain to prevail in law in two ways: that J [REDACTED] will be vindicated in the HIB allegation, and in a civil complaint over several of his violated rights. Within the redacted document you sent us, there are details never before disclosed to us which absolutely exonerate J [REDACTED]. We didn't have access to those details before, and we are by law entitled to that information.

We don't want this to go any further than the board of ed, and we strongly urge the school to take another look at this matter with us. While going to the commissioner of education is certainly within our rights, we cannot but see that we will need the assistance of the NJ Attorney General's Division of Civil Rights office, which has assisted us in the past, as has the Department of Justice (www.ada.gov).

We cannot fathom why the board came back sustaining the school's decision without considering that an appeal can take the form of violations of law and rights, which was the bulk of our argument. We can only reason that the board may not have fully understood the nature of the allegations we have made. Whatever the reason, we deserve more

than a simple "no new information has been provided" when a significant amount of information has been provided. And after reviewing the redacted document, significant new information has been provided - to us, at least.

So I am asking once again to meet with the board, and the ABS team, and you, and the school's attorney. At the very least, we need more details about "no new information" to provide to the Commissioner, if that is the course of action you prefer we take.

Thank you,

J [REDACTED]

J [REDACTED]

On Mon, Apr 22, 2019 at 7:16 PM Robert Presuto <robert.presuto@boontonschools.org> wrote:

Good evening Mr. J [REDACTED],

We have to follow the HIB statute (law) which does not provide for a "redo" of a Board hearing for an HIB appeal.

Said statute states your next recourse is to file an appeal with the NJ Commissioner of Education. At that point our school board attorney will be handling the district's determination/position on the matter.

Robert Presuto

On Mon, Apr 22, 2019 at 4:14 PM [REDACTED] J [REDACTED] <[REDACTED]> wrote:

Good afternoon Mr Presuto,

I am back from vacation myself, and received the report.

Is there a chance we might re-present our argument to the board, or is it required to go to the Commissioner if we are appealing that? There is information therein which we feel the board may not have adequately considered, and would like to address them.

Thank you,

A [REDACTED]

A [REDACTED] J [REDACTED]
973-224-3968

On Mon, Apr 15, 2019 at 11:51 AM Robert Presuto <robert.presuto@boontonschools.org> wrote:

Mr. J [REDACTED],

Attached please find the redacted copy of the HIB investigation report.

We are out of the office this week but I will checking my work email. Thus if there is anything else you needf rom me, please feel free to email me.

Robert Presuto

On Tue, Apr 9, 2019 at 1:57 PM A [REDACTED] J [REDACTED] <[REDACTED]> wrote:

Hi Mr Presuto,

Ok, I understand, re wait.

As to documentation, I understand now. I didn't then, and I thought I understood last night, but yes - you did say only your office sends out redacted docs. No problem.

Thanks again,

■

■ J ■
■ ■ ■

On Tue, Apr 9, 2019 at 1:01 PM Robert Presuto <robert.presuto@boontonschools.org> wrote:

Mr. J ■ ■ ■,

Thank you for contacting me this morning.

I am conferring with our school board attorney regarding the procedural process of the HIB appeal hearing last evening. He is going to get back to me later this afternoon. There is a chance I will not have the determination for you regarding the appeal today. Please know this was followed up on this morning and I hope to have this information soon.

With regard to your second point above - you stated last night you were not aware you could ask for a redacted copy of your son's HIB investigation. Thus when you write that when you did ask for it you were told "Such should have been provided to us when we demanded it. Instead, it was denied based on privacy grounds", I explained to you that only my office receives and releases such redacted reports. I'm not sure if this is another document you are referring to or there was a misunderstanding regarding some aspect of the process, but when I asked you if you knew you could ask for a redacted copy after you presented your points to the BOE last evening, you said "No, I was not aware". The statement above completely refutes that. I also explained last night that we do not automatically prepare redacted copies of HIB reports as they are rarely requested. You are absolutely entitled to this information but only after the request is made to me for said information.

As such, I'm considering your email earlier today to be the written request to begin preparing and ultimately releasing a redacted copy of the HIB report. I will commence work on that directly and send you a copy as soon as it is ready.

With regard to your fourth point, parents are not allowed to "sit in" or be part of an HIB investigation. The South Orange/Maplewood School District has an extensive Anti-Bully Bill of Rights/HIB FAQ page which spells this out (#9) and is reiterated in every document I can find online regarding parents being present during HIB interviews:

<https://www.somdsd.k12.nj.us/cms/lib/NJ01001050/Centricity/Domain/534/HIB%20FAQ%20-%20Final%20-%2010-30-17.pdf>

We also do not record HIB interviews and I am not aware of any school district which does as standard operating procedure.

Again, thank you for your follow up and I will get back to you as soon as I have more information for you.

Robert Presuto

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