A[redacted] J[redacted]	: BEFORE THE COMMISSIONER
(petitioner)	: OF EDUCATION OF NEW JERSEY
	:
V.	:
	: PETITION
	:
Boonton School District	:
(respondent)	

Petitioner, [redacted] J[redacted], residing at [redacted]; whose daytime telephone number is [redacted] and whose email address is [redacted]; hereby requests the Commissioner of Education to consider a controversy which has arisen between petitioner and respondent whose address is 434 Lathrop Avenue, Boonton, NJ 07005; and whose daytime phone number is 973-335-9700, and whose fax number is 973-335-8281; pursuant to the authority of the Commissioner to hear and determine controversies under the school law (N.J.S.A. 18A:6-9), by reason of the following facts:

1. Petitioner is submitting this petition pro se.
2. In this petition:
    A. References to "J[redacted] refers to a minor child of the petitioner, and who is an 8th grade student in the Boonton School District.
    B. References to "me" refers to the petitioner, " [redacted] J[redacted]".
    C. References to "we" and "us" refer to both of J[redacted]'s parents as well as J[redacted].
    D. References to "school" collectively refers to the Anti-Bullying Specialists (aka "ABS"), the school administration, and the executive board of education.
3. J[redacted] is accused of a HIB violation, an allegation which the school upholds against him at his parents' protest during several appeals.
4. Herewith attached is a report ("redacted report") (attachment "G") which this petition primarily references. It is this referenced document upon which we base many of the facts, claims, and observations mentioned herein. The report is the completed (but redacted) report containing details about the alleged incident, the investigation, and conclusions.
5. Herewith attached also are email correspondences and notes from various appeals meetings (attachments "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", and "K").

6. A summary sequence of events is provided here for easy reference:

    A. HIB allegation - Wed 2/6
    B. HIB investigation - Thu 2/7
    C. J[redacted]'s parents notified - Thu 2/7
    D. J[redacted] served suspension - Fri 2/8
    E. J[redacted]'s parents demand meeting - Sun 2/10 (see attachment "A")
    F. J[redacted]'s parents meet with school - Tue 2/12
    G. J[redacted]'s parents receive initial written letter from school - Thu 2/28 (see attachment "B")
    H. J[redacted]'s parents appeal BoE decision affirming HIB - Tue 3/26 (see attachment "C")
    I. School acknowledges parents' protest - Tue 3/26 (see attachment "D")
    J. J[redacted]'s parents meet with BoE - Mon 4/8 (see attachment "E")
    K. J[redacted]'s parents receive BoE appeal rejection - Tue 4/9 (see attachment "F")
    L. J[redacted]'s parents receive redacted report - Mon 4/15 (see attachment "G")
    M. J[redacted]'s parents request a meeting with the school again - Wed 4/22 and Thu 4/23 (see attachments "H", "I", "J", and "K")
    N. J[redacted]'s parents appeal to the commissioner (this petition)

7. Synopsis

    J[redacted] was engaged in a friendly conversation with several of his friends. Unbeknownst to all of them, their conversation was overheard by a different student who became offended by what she heard. She filed a HIB complaint. The school investigated and determined that J[redacted] was the aggressor.

    J[redacted] was suspended without a hearing, and was not told of the details of the allegation.

    J[redacted]'s parents met with the school, and asked for details of the HIB. They were told to refer to J[redacted] for details. They received a letter in the mail affirming the school's determination that he was the aggressor, and that if they wanted, they could appeal to the board of education (BoE).

    With little or no information about the allegation, and completely unaware of exculpatory information in the investigation report, J[redacted]'s parents appealed to the BoE based largely on the manner of the investigation, which they assert violated J[redacted]'s due process rights, since J[redacted] was not given a hearing, was denied his parents' presence for questioning, and was not told of the details of the allegation. The parents, without benefit of the information that the school had, additionally made two wild guesses about the nature of the HIB, which were ultimately wrong. The BoE sustained the school's finding, stating that the parents provided no new information, and leaving the HIB intact. It also did not clarify the misunderstanding the parents had of the allegation, which was that the parents thought the friends with whom J[redacted] spoke had initiated the HIB complaint, and also, the nature of the language that was used.

    A week after the BoE hearing, J[redacted]'s parents received a redacted report which detailed the investigation and the school's conclusions. In the report, it contained information which should have exonerated J[redacted], but none of it was heretofore disclosed to J[redacted] or his parents. With this new information, the parents sought twice to contact the board to argue their case again, but the board refused to meet with the parents, and instead referred them to the Commissioner.

8. Petitioner asserts that the HIB allegation must be dismissed on two grounds.

A. First, that the actions which J[redacted] is accused of do not meet the definition of HIB, as argued in this petition in section (10).

B. Second, that the respondent's actions throughout the investigative and appeals processes violated J[redacted]'s rights since they were improperly conducted, preventing J[redacted] from having the opportunity to explain his actions and understand the nature of the allegations against him, which is argued in section (11).

C. A timeline is provided in sections (12) through (28).

9. Petitioner contends the following word definitions, which relate to details of the HIB. Except where noted, these are not defined in law, we therefore assert common dictionary definitions, of which there can be many definitions.

A. ***Target***: a person, object, or place selected as the aim of an attack.

a. Petitioner asserts that the definition implies intent, and means both that someone was intending to attack, and that someone was intended to be attacked. Petitioner will argue that there was neither intent nor a target.

B. ***Insult***: speak to or treat with disrespect or scornful abuse.
C. ***Demean***: cause a severe loss in the dignity of and respect for (someone or something).

a. Petitioner asserts that the definition implies intent. Petitioner wonders whether one can feel genuinely insulted and demeaned when either no insult was intended, or, when what *was* heard was misunderstood.

D. ***Subject***: to cause or force to undergo (a particular experience or form of treatment); bring (a person or country) under one's control or jurisdiction, typically by using force.

E. ***Aggressor***: a person or country that attacks another first.

a. Petitioner asserts that the definition implies intent, in that the aggressor is one who seeks out and attacks another - and does so first. Petitioner will argue that in this case, J[redacted] did not seek anyone, nor did he attack, nor did he subject anyone to any insults. Petitioner will argue that there was no aggressor. As a result of having no aggressor and no target, petitioner will argue there was no incidence of HIB.

F. ***Motivated***: provide (someone) with a motive for doing something.
G. ***Motive***: a reason for doing something

a. Petitioner will argue that the HIB statute requires a physical characteristic of the target to be the motivation for the choice of actions that an aggressor takes. Petitioner will argue that because the so-called "target" was unknown and unseen by the so-called "aggressor", there cannot be a rationalization of "motivation". How can there be a racial motivation when the race of the target, or the target itself, isn't known or seen?

H. ***HIB***: New Jersey distinguishes HIB from conflict, in that HIB is not a conflict, but is a form of abuse, where one or more persons exercise power over another. (***https://www.state.nj.us/education/parents/bully.pdf***, p22).

a. Petitioner asserts that the definition implies intent. For one to "exert", there must be an intention to do something. The petitioner will argue no such thing exists. As to "power over another", petitioner will argue that the "target" was unknown and unseen, and so wonders how can someone accidentally exert power over someone they neither know nor can see. Petitioner will argue that there cannot be the intended exercise of power over someone they cannot see or do not know.

10. Petitioner asserts that J[redacted]'s actions do not meet the definition of HIB:

A. The definition of HIB can be retrieved from the redacted report, or here:

B. HIB definition source: ***https://www.state.nj.us/education/parents/bully.pdf***

C. ""Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being **motivated** either **by** any actual or perceived characteristic, such as **race**, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that **substantially disrupts** or interferes with the orderly operation of the school or the rights of other students and that:

a. **a reasonable person** should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in **reasonable fear of physical or emotional harm** to his person or damage to his property; or

b. has the effect of **insulting or demeaning** any student or group of students; or

c. creates a **hostile educational environment** for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student."

D. Respondent asserts that all elements above (10)(C) and one element of (10)(C)(a-c) have been met in order to substantiate the HIB as checked off in a checkbox on the redacted report (attachment "G").

E. Petitioner contends that ***all*** of these elements can be refuted, and discusses why in the following sections (11)(F - M), even though only one is needed to substantiate a HIB.

F. As to "***motivated by race***":

a. The school asserts in bullet 3 of the redacted report that J[redacted]'s actions were motivated by race. This is a required element to substantiate a HIB in this case, but it doesn't indicate whose race he was motivated by.

b. We assert that J[redacted]'s conduct was motivated by a ***connection to a person who is a friend*** and with whom he regularly communicates, and ***<u>not</u>*** by the ***race of someone he cannot see and does not know***.

I. No one's race is disclosed in the redacted report.

II. We assert that because J[redacted] was unaware of the target's presence, and didn't know the target, and wasn't referring to the target, he could not have been referring to the target's race, because he couldn't know the target's race.

III. It is also unclear whose race J[redacted] is supposed to have been motivated by, since in the redacted report, no one's race is disclosed.

IV. We assert J[redacted]'s actions were motivated by ***friendship***. Kids at J[redacted]'s age regularly refer to each other using terms as "Yo", "Dude", "Homie", "Bro", "Nigga", and by other names they use for each other.

c. We assert that the school failed to show, and cannot show, a racial motivation because:

I. J[redacted] doesn't know the complainant;
II. J[redacted] never saw, nor spoke to or about the complainant;
III. J[redacted] was unaware of the complainant's presence;
IV. The race of the complainant was, and still is, unknown to J[redacted];
V. The complainant was only identified by name, and then only after the BoE appeal had concluded - 9 weeks after the incident occurred;
VI. Without any connection to the target, or knowledge of the target's race, there is no element of "***motivation***" per section (9)(F) and (9)(G) above.
VII. J[redacted]'s actions can not be "***racially motivated***", because the target was unknown and not seen by J[redacted].

d. We were unable to make this argument to the BoE appeal, because, the school and the executive board members withheld details about the incident from us until after the BoE decision. We had to make wild guesses about the nature of the incident, some of which turned out to be incorrect as we assumed that the HIB target was one of J[redacted]'s friends - the only people he was talking to - and that a HIB of a different context occurred.

e. To this day, the race of the complainant and most of the witnesses is unknown to us. We are aware that the people to whom J[redacted] was talking are black, and none of them were offended. That none of the witnesses were offended is mentioned in the redacted report. As J[redacted] was talking only to his friends, anyone overhearing - unbeknownst to him - he cannot therefore know their race, and thus, his chosen words cannot reasonably be perceived to be motivated by race.

G. As to "***substantially disrupts***":

a. ***Substantial Disruption*** is a legal term established by the Supreme Court in *Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)*. It is the leading test used in student free speech cases. Related cases are [Burnside v. Byars (5th Cir.) (1966)] and [Bell v. Itawamba County School Board (5th Cir.) (2015)].

I. The Court generally considers such examples as substantial disruption:
- Was there was a lockdown, riot, or protest?
- Was additional police protection needed?
- Was an alarm sounded?

- Was there an evacuation?
- Was there a flood of angry phone calls?
- Was a school event cancelled?

II. In this case, ***no such reaction occurred***. As noted in the redacted report, there was only a look of disbelief. ***ALL*** witnesses, other than the complainant, report nothing offensive was heard. **No one's rights were infringed**.

III. In *Tinker*, the Court also explained that public school officials must be able to point to ***evidence of disruption*** rather than rely on an "undifferentiated fear or apprehension of disturbance." In this case, the complainant indicated she felt the school was racist, and ***not*** that she was afraid of the school. She arguably had an undifferentiated dislike, but not an undifferentiated fear.

IV. The school failed to demonstrate any kind of disruption to anyone's rights or operation of the school, to say nothing of the required element "substantial" disruption.

i. The complainant said the school - not J[redacted] - was racist.

ii. She said she didn't want to come to school. While most students do not want to come to school, the complainant did not specify why she didn't want to come to school, although we guess it is because she thought the school racist: but she did not demonstrate ***undifferentiated fear***.

iii. She did not demonstrate ***anxiety*** that ***something will happen***.

iv. She did not indicate she was ***afraid*** to come to school.

IV. In Burnside v. Byars, the Court ruled that in order for the school to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained. Burnside v. Byars, supra at 749.

V. J[redacted]'s use of words, according to all witnesses in the redacted report, are consistent with commonly used friendly vernacular, and thus it is protected speech and cannot be cause for a HIB or *code of conduct* violation. It was not meant to insult or demean. Although someone may have felt offended, it was never the intention, and whatever was spoken was not directed at the complainant. In *Tinker*, the Court ruled that students and teachers do not shed their constitutional rights at the schoolhouse gate, and so J[redacted]'s and his friends' speech is therefore **protected**.

b. We were unable to argue this properly to the BoE appeal, because the BoE withheld details about the incident from us until after the BoE decision. Even after we received

the redacted report, it does not indicate which rights were substantially disrupted, how the complainant was harmed in any way, or the extent of the harm.

c. We assert that the test for **Substantial Disruption** has clearly not been met.

H. As to "**insulting or demeaning**"

a. The school selected this optional element of the HIB statute (see section (10)(C)(b), above) as the basis for supporting the HIB.

b. We were not able to argue this at the time of the BoE appeal, because we were not given HIB details until after the BoE appeals hearing had concluded and a decision was rendered some 9 weeks after the incident.

c. Noting the aforementioned definition of insult and demean, section (9)(B) and (9)(C) above, we assert that the school failed to identify any speech or action in which a reasonable person would conclude was insulting or demeaning. Indeed, 5 out of the 6 people interviewed stated that nothing offensive was overheard. One of the witnesses was the complainant's own friend.

d. The school admits, and the school's witnesses concur, that students regularly use non-offensive phrases mentioned in the redacted report, ie, "nigga". No language - offensive or non-offensive - was attributed to J[redacted]. (Only "n-word", and there is no agreement among the witnesses or interviewers as to which J[redacted] is alleged to have used.) Unless it is the case that J[redacted] used the phrase "en-word" [ie, ut prorsus]?

e. The school erred in not considering that the people to whom J[redacted] was talking were black, and that if he used "nigger", they would surely be offended.

f. Witnesses in the redacted report say that students regularly use the phrase "nigga", and that the phrase is ***not offensive***. Others also agree that "nigga" is not offensive.

I. Source: ***https://en.wikipedia.org/wiki/Nigga***

II. Source: ***https://www.huffpost.com/entry/nigger-vs-nigga_b_10602798***

III. Source: Redacted report

g. All of the school's witnesses, other than the complainant, indicated that ***nothing offensive was overheard***.

h. The redacted report does indicate that someone overheard something and felt insulted. However, the phrases used as noted in the redacted report are commonly used between friends, and, the person who felt insulted was neither the subject nor the object of the friendly discussion, nor was she a participant of the conversation, nor were the conversants aware of the complainant's presence; therefore, she had no reason to feel genuinely insulted or demeaned.

i. We assert that the school failed to demonstrate how friendly and non-offensive conversation had demeaned or insulted anyone - particularly to someone who was unknown and unseen by J[redacted], who was not referring to the complainant.

I. As to "***hostile environment***"

a. The school did not assert this element of HIB definition as part of the reason to uphold the HIB. We assert: J[redacted] is white, and was integrating with a culture unlike his own - this is hardly grounds for a hostile environment.

b. We further assert that a similar phrase ("nigger") to what is described in the redacted report is used in reading materials coincidentally and presently (at the time) assigned to the students ("*To Kill a Mockingbird*"), and, students are subjected to that word by having not only to read the passages containing the word, but to read them aloud in class.

c. Executive board members at the appeal noted that because of those offensive phrases in *Mockingbird*, many school districts across the country are no longer using that book, and other popular books like *Tom Sawyer* and *Huckleberry Finn* *because that speech is offensive*. J[redacted] was mid-way through the book for class assignment, and while Respondent was glad to collect any evidence, paperwork, etc, that we had provided for the appeal process, we had to decline providing the book *To Kill A Mockingbird*, simply because J[redacted] needed it for the next day class assignment.

d. We assert that there are contradictory **standards** being applied: One cannot say that students should not be subjected to racially charged words (per the redacted report), yet require them to read those very words in required reading materials.

e. We further assert that passively overhearing "n-word" (per the redacted report) does not subject a student to racially charged words, because "n-word" is not a racially charged word since it is apparently ambiguous, and, because the student is not under the control of the students/conversation who are passively overheard.

f. We thus observe contradictory **behavior** by the school, in that the school:

I. ...acknowledges that districts country-wide are eliminating *Mockingbird*, et al, because the racial slurs used therein ***IS*** offensive; and

II. ...is ***not*** eliminating *Mockingbird*, et al, in its own district, even though it acknowledges other districts find the slurs offensive; and

III. ...asserts that friendly and non-offensive speech by J[redacted] ***is*** offensive.

g. We assert that the school failed to demonstrate a hostile environment other than one in which it itself created.

J. The redacted report indicates that the target was a specific person - and was someone other than his friends, contrary to what we were lead to believe.

a. The school did not provide us this information. We thought the complainant was one of the friends J[redacted] was talking to. We appeared at a meeting with the school on 2/12, and at an appeals hearing with the BoE on 4/8 attempting to appeal a HIB allegation launched by one of J[redacted]'s friends. How surprised petitioner was to later find out that the school knew we were defending against the wrong person.

b. Petitioner wonders why the school didn't simply say that "the target was not one of your friends, it was a person who, unbeknownst to you, overheard your conversation". Petitioner finds it unconscionable to not provide that kind of detail.

c. J[redacted] was told his language (later to be disclosed simply as "n-word") was insulting or demeaning; he/we were further told (in response to request for more details) to get the details from J[redacted]. J[redacted], having only spoken to his friends, had reasonably determined that his friends were the ones who were accusing him of a HIB, but he recalled no objectionable language used by anyone, and neither did any witnesses.

d. Noting the definition of "Target", section (9)(A), is "a person, object, or place selected as the aim of an attack.", the report indicates J[redacted] never spoke to or about the complainant; he therefore didn't select her for attack; he didn't even attack. Nobody was selected. Nobody was attacked.

e. Noting the definition of "HIB", section (9)(H), per the State of New Jersey, is an ***abuse whereby one exerts power over another***. As J[redacted] was speaking to his friends, and the complainant simply overheard a friendly, non-offensive conversation, there is no demonstrable exertion of power of one over another.

f. We assert that without J[redacted] selecting someone to attack/insult/demean, and without attacking/insulting/demeaning, and exerting no power or influence over anyone, and that his actions were ultimately deemed accidental and unintentional, we assert this allegation must be dismissed.

K. Respondent asserts that complainant's rights were violated. But it did not indicate which rights were violated, except "the right from being subjected to racially charged language".

a. We were not provided this assertion by the school until we received the redacted document 9 weeks after the incident. As a result, we were unable to defend against this assertion during the BoE appeal hearing.

b. We assert that "subjected to", per the definition in section (9)(D), means to be under the control of (someone). Petitioner asserts that the school failed to demonstrate J[redacted]'s control over anyone.

c. We further assert that "racially charged" suggests using language generally considered offensive to those of the race attributed to the phrase.

d. Petitioner generally agrees with the spirit of Respondent's assertion, but petitioner asserts that in the context of a HIB, J[redacted] would have had to seek out the complainant, use racially charged language meant to insult or demean her, and then do it for the purpose of exerting control or influence over her. In fact, J[redacted] sought no one, was unaware of the complainant's presence (and therefore her race), and exerted no force or influence over anyone.

e. The school itself wilfully subjects students to racially charged language. See section (21)(C).

L. Petitioner asserts that nowhere is there any mention of exercise of power over another, a necessary element which includes a target specifically selected and subjected to a bully's intent.

M. Petitioner asserts the school failed to demonstrate how any action by J[redacted] could possibly be construed as harassment, intimidation, or bullying. ***A HIB simply did not occur***.

11. Petitioner asserts that several of J[redacted]'s rights were violated, preventing him from understanding the nature of the allegations against him, and, makes a claim that J[redacted]'s 1st, 5th, 6th, and 14th amendment rights to speech, due process, counsel, evidence, and equal protection are violated:

    A. J[redacted] was never given a hearing for the HIB.

        a. The school asserts J[redacted] did get a hearing - an informal hearing when he was questioned. The only time J[redacted] was questioned was on 2/7/2019, the day he returned to school, and the same day he received his suspension. But this "hearing" was no hearing: it was an investigation, which wouldn't be complete until 2/11 - a full 4 days later. That means the investigation was incomplete at the time he was questioned and served his suspension, and newer details of the investigation not yet known by the school were not provided to him. As a result, petitioner asserts that the one-way investigative questioning by ABS was not a fair hearing. He certainly wasn't given enough information for him to defend himself, and he wound up initially defending against the wrong person against the wrong claim, and again later against the wrong person and against an ambiguous claim; nor was he given resources to help him defend himself. He wasn't even initially told that his actions were of a spoken and racist nature, and instead, thought he was accused of knocking off a bookbag. Petitioner wonders how a 14-year-old is supposed to defend himself and offer his version of events when the school withholds key information, while it knew his actions to be accidental.

        b. There is no reference to a hearing - formal or informal - in the redacted report's Investigation Flowchart and Timelines.

        c. J[redacted] has a disability which makes it extremely difficult under duress to rationally perform even simple tasks, such as organizing his homework, handing in assignments, and sitting quietly in class, to say nothing of defending himself against an accusation of racism in which the school fully admits there was neither intent nor malice in his actions. Since kindergarten, J[redacted] has been medicated and has had the assistance of a classroom aide. Yet neither an aide, nor an IEP case worker, nor a parent, nor legal counsel was present during questioning, as reflected in the redacted report. Whoever was present didn't adequately represent him.

        d. Petitioner wonders why he gets an aide to help him during class, but not to help him against accusations of racism in a legal proceeding?

        e. Petitioner asserts that a hearing in a proceeding whose functions are guided by law must include parents and IEP case worker present. It is our understanding that a HIB complaint is a legal thing, and underscores the necessity for the accused to understand the allegation and his rights, or to have someone who can do this for him.

f. This is a violation of law, as well as J[redacted]'s 5th and 14th amendment rights to due process, as J[redacted] is entitled to a hearing ***first***.

I. ***SCOTUS: Goss v. Lopez, 419 U.S. 565 (1975)***, Goss v Lopez demands that:

"Due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his version. **Generally, notice and hearing should precede the student's removal from school**, since the hearing may almost immediately follow the misconduct, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable. Pp. 419 U. S. 577-584"

g. Petitioner also asserts that immediate suspension was not warranted, as no one was in danger, nor was there any disruption, nor threat to disruption, of the academic process.

B. Respondent contends that during the investigation, J[redacted] admitted to the charge against him.

a. We - and especially J[redacted] - assert that J[redacted] did ***no such thing***, and J[redacted] vehemently denies having admitted to ***anything***.

b. There is no mention of J[redacted] admitting to anything in the redacted report.

c. We cannot confirm or deny the use of improper investigative techniques (for example, a Reid investigation technique), because parents were not present during questioning, despite demanding to be present.

C. Few details were ever provided until ***after*** the BoE appeal hearing.

a. During several of the 2/7 calls between us and the school, we asked for details about the incident; the school referred us to J[redacted] for details, and it otherwise refused to provide us details about the nature of the complaint. The school cited student privacy laws as reason details would not be provided.

I. J[redacted] was so convinced that he'd done nothing wrong, he felt that the complaint against him had to do with something else - perhaps something physical, like knocking off a bookbag, an incident which he recalled and thought to be accidental but for which he was being blamed.

II. J[redacted] also thought his own friends initiated the HIB, a reasonable presumption given that they were the only ones he was in contact with.

b. During calls between us and the school on 2/8, we again asked for details, and the school again referred us to J[redacted]. J[redacted] was questioned, and based on the questioning, we were able to discern that the HIB was related to something racist he was alleged to have said.

c. This is a violation of law, and of J[redacted]'s 5th, 6th, and 14th amendment rights to due process, evidence, and counsel. Following are legal resources petitioner uses to assert details of the incident were due.

d. ***SCOTUS: Goss v. Lopez, 419 U.S. 565 (1975)***

I. Goss v Lopez demands that (emphasis added by petitioner):

"Due process requires, in connection with a suspension of 10 days or less, that the **student be given oral or written notice of the charges against him** and, if he denies them, **an explanation of the evidence the authorities have and an opportunity to present his version**. Generally, notice and hearing should precede the student's removal from school, since the hearing may almost immediately follow the misconduct, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable. Pp. 419 U. S. 577-584"

e. ***N.J.A.C. 6A:16-7.2(a)(1)***

I. Source: ***https://www.state.nj.us/education/code/current/title6a/chap16.pdf***

II. In this link, subchapter 7.2(a)(1), (page 79) "Short term suspensions", is copied here:

"As soon as practical, oral or written notice of charges to the student [shall be provided]. When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided;"

e. We assert that 9 weeks after a suspension (which was when the redacted report was provided to us) is not "as soon as practical", given that the redacted report was dated one day before we originally met with the school on 2/12.

f. We further assert that being given the report 1 week after the BoE appeals hearing is also not "as soon as practical", given that the board used an unredacted copy of the report for their own reference during a private preamble to our testimony.

g. Given the gravity of the accusation, and the potential for backlash against J[redacted] from the black community and his black friends, we assert that omission of details is critical to understanding the nature of the action against him, and to preserve his reputation and good name.

D. Petitioner asserts that the language J[redacted] is alleged to have used is undefined. This violates his 1st amendment rights to free expression.

a. "He said something, we don't know what, but it was racist and he's suspended for it". How can he defend himself against that? Or,

b. "He said something, we won't say what, but it was racist and he's suspended for it". How can he defend himself against that?

c. The offensive language J[redacted]'s is alleged to have used is not defined in the report.

d. We were told early on that he "said something racist". The school would later assert in the redacted report that he used "the n-word", but we assert that "n-word", ut prorsus, is not offensive and is awkward to say, so we presumed he was really alleged to have used "nigger". But the witnesses also imply the phrase "nigga" was used, since all of the witnesses state he said nothing offensive, and both phrases sound similar and could easily have been mistakenly heard by the complainant. And yet, the report does not distinguish which J[redacted] is alleged to have used.

e. Since "n-word" was never mentioned to us, we had no basis to think he used "n-word", ut prorsus, or "nigger", or "nigga". Since he was talking to his friends who are black, we presumed it could have been anything "about black people", and thus, without details, we could not help defend or explain J[redacted]'s version of events.

f. After receiving the redacted incident report, we determined what J[redacted] had been saying all along, which was using common vernacular to his own friends.

g. The school also asserts that the language J[redacted] used, on school grounds and before classes began, is a violation of *code of conduct*, and therefore is enforceable as a *code of conduct* violation. For this, the school said, J[redacted] was given, and served, a suspension - the same suspension for the HIB, the school says.

h. We assert that what J[redacted] said, on school grounds and before classes began, is not enforceable as a *code of conduct* violation, because the language he was verbally accused of using is not defined in the Boonton School's student manual's *code of conduct*, and he did not know the language was wrong to use. Indeed, the school supports this view, as it is noted in the redacted report. His friends use that language all the time, and are never reprimanded for it. Or suspended.

i. We further assert that the *code of conduct* is not enforceable, per Burnside v. Byars, 363 F.2d 744 (5th Cir. 1966):

    I. Regulations which are essential in maintaining order and discipline on school property are reasonable. Thus school rules which assign students to a particular class, forbid unnecessary discussion in the classroom and prohibit the exchange of conversation between students are reasonable even though these regulations infringe on such basic rights as freedom of speech and association, because they are necessary for the orderly presentation of classroom activities. Therefore, a reasonable regulation is one which measurably contributes to the maintenance of order and decorum within the educational system.

j. We generally agree with *Burnside*, and the Respondent, in that regulations are necessary; but since the incident occurred before school began, and no one was harassing, etc, and that there was no classroom or any kind of learning activity going on, that the *code of conduct* that J[redacted] is alleged to have violated does not apply. He was simply having a friendly conversation with his friends - well within the bounds of student conduct.

E. The school admits, as do witnesses in the report, that what J[redacted] said - is said by “everyone”.

   a. Although it is not clear even today, 5 months later, exactly what J[redacted] was supposed to have said, J[redacted] spoke to his friends using phrases commonly associated with his friends his age, yet only J[redacted] was suspended. The redacted report hints at the use of “nigga”.

   b. The school fully admits that this vernacular, while apparently unpopular with the school administration, is commonly used.

   c. We assert that black students are rarely suspended for it. The school doesn’t disclose the numbers or statistics on who gets suspended and for what reasons, nor does it disclose the racial makeup of the complainant or witnesses. But J[redacted] is white. And at the school’s behest, we deferred to J[redacted] for details of the HIB allegation, and he in turn conferred with his black friends. None of his friends report being suspended for using the same vernacular that J[redacted] used.

   d. We assert this is a violation of his 14th amendment rights to equal protection.

F. The report indicates J[redacted]’s actions were accidental and unintentional, and he was unaware his actions were offensive. Petitioner wonders why a suspension is warranted for an accident? This is excessive.

Incident Timeline

12. 02/06/2019: J[redacted] was accused in the HIB allegation related to this petition.

    A. We asked for details, the school refused to disclose details, citing student privacy laws, and referred us to J[redacted] for facts.

    B. We asked J[redacted], who could not recall anything amiss. He says nothing was said or done by anyone.

    C. J[redacted] recalled a moment in which someone’s book bag fell or got knocked off; he thought he was being accused of knocking off the bookbag.

13. 02/07/2019: Investigation began/continued by the school, but J[redacted] out of school with fever.

14. 02/07/2019: Petitioner informed of the HIB allegation.

15. During several of the 2/7 and 2/8 calls between us and the school, we asked to be present when J[redacted] was questioned, and we wanted details about the incident; the school refused, citing student privacy laws. They referred us to J[redacted] for details. We spoke with J[redacted] after school on 2/7, and based on the interaction he had with the school, we concluded that the allegation might be about something racist he said.

    A. J[redacted] was convinced that one of the people in the conversation (“5th grader”) was the complainant. But this person was a friend of J[redacted]’s friend, and both J[redacted]’s friend and the 5th grader are black. J[redacted] would not use racially charged language to his friends, or his friends would call him out on that.

16. 02/08/2019: J[redacted] served sentence (1 day suspension).

17. 02/10/2019: Petitioner demanded meeting with school. (See attachment "A").

18. 02/12/2019: Petitioner met with school.

    A. At this time we confirmed the accusation that J[redacted] "said something racist" - but the school refused to elaborate, again citing student privacy laws. We discussed what "racist" meant in this incident. "Did he say 'nigger'", "Did he call someone a 'nigger'", "Did he make a general remark insulting blacks", "Was he even referring to blacks". We discussed that many in the student population use various racial terms. While we did discuss that many students use that language, none was attributed to J[redacted]. We assumed he used "nigger", or else the school wouldn't be making a complaint about it; but then we wondered why J[redacted] would use that to his black friends. And J[redacted] was adamant he didn't use that word, and there was no backlash from his black friends, so we then assumed that maybe J[redacted] was accused of saying something else - perhaps something altogether of a different race, context, word, or phrase.

    B. We also learned that the school said that J[redacted] admitted to the allegations.

    C. We can't substantiate whether J[redacted] admitted to anything, because we were not present during questioning, but J[redacted] vehemently denies admitting to anything, and thinks the school tricked him or misunderstood him.

    D. It was also here that we first learned that, according to the school, J[redacted]'s IEP child study team case worker was present during questioning.

    E. J[redacted] resolutely denies anyone other than the principal and guidance counselor, both acting under the context of anti-bullying specialists, were present during brief questioning.

    F. We can't substantiate whether or not a child study team case worker was present, because we were not present during questioning. However, no one other than ABS team - 2 people - are mentioned in the redacted report.

    G. We assert, then and now, that because J[redacted] has an IEP, he cannot be questioned by school personnel without his IEP case worker being present and adequately representing him.

    H. On request, the school again failed to provide substantial details about the incident, other than that the incident was of something "said" and of something "racist".

    I. We pressed for more details about the incident, but the school refused even though the report had been written the day prior (note the date on the redacted report).

    J. The school cited student privacy laws as the reason details of the incident would not be provided to us.

    K. Instead, the ABS team again referred us to J[redacted] for all of the information about the HIB allegation.

    L. By this time, based on his questioning, J[redacted] had an idea that the HIB was related to something he'd said, and that it was racist. But J[redacted] had little or no recollection about the incident. This

is consistent with what is written in the redacted report which we had not yet received, and which we wouldn't receive for several weeks.

M. As a result, J[redacted] had no way to explain his version of events.

N. Petitioner would later wonder how J[redacted] was supposed to recall an incident in which he was unaware he'd accidentally done or said, and which had no malicious intent upon a person he didn't know or see.

19. 03/26/2019: Petitioner is notified of the incident, the school's finding that a HIB was substantiated, and of the right to appeal to the Board of Education ("BoE"). (See attachment "C").

    A. Again, no details were provided about the incident, other than that the allegation was upheld, and that we had the right to appeal.

    B. Note also that J[redacted] had already served a suspension over a month ago.

20. 03/26/2019: Petitioner notified school of their request to appear to BoE in order to appeal the HIB decision. (See attachment "D").

21. 04/08/2019: Petitioner meets with BoE executive board members to appeal the decision upheld by the ABS team and assistant principal.

    A. We presented the discussion outlined in attachment "E".

    B. The board did not acknowledge, accept, or refute any claim we made. The board politely listened, but generally did not ask questions or provide us any information that we didn't already know.

    C. After we presented our argument, some discussion about *To Kill a Mockingbird* took place:

        a. We stated there were dozens of instances of "nigger" in the book, but one board member argued and estimated that there are only about 5 or 6 instances.

        b. (Note: The book actually contains 48 references to "nigger".)

        c. Others asserted that the meaning of "nigger" was different back then, than it is today.

        d. We understood that comment to mean: "It's okay to use 'nigger' in this book's context, because it had different meaning then than it does now", as if there are some circumstances in which it is okay to use the word "nigger".

        e. We raised this argument to the board, and several members immediately argued it is never okay to use that word, thus supporting our argument that it doesn't matter the evolutionary history of the word: it's offensive now, so that's all that matters.

        f. Others defended the book, saying it had great literary importance.

        g. There are approximately 130 million books printed in the world. Petitioner wonders why the school determined that *To Kill a Mockingbird* has better literary importance than any of those 130 million other books.

h. Petitioner wonders whether some board members actually read the book, or have an understanding about offensive language, or understand what racism really means.

22. 04/09/2019: BoE rejects our appeal, saying "not sufficient information". (See attachment "F").

A. Attachment "F" contains the BoE decision.

B. Shockingly, the BoE cites "not sufficient information provided", despite numerous violations of law cited which on their own merit should have nullified the HIB, and also, that the school did not substantiate that a HIB action had actually occurred.

C. The BoE did not provide ***<u>any</u>*** facts supporting the HIB allegation, nor did it address the school's conduct. All it did was summarily support the existing findings.

D. We categorically reject the board's finding as contemptuous to the appointment for which they convened. The board showed no sensitivity or consideration to the fact that J[redacted]'s rights and reputation are at stake, as evidenced by the fact that the board did not in any way address our concerns for his rights, nor did it want to discuss their decision after we'd received the redacted document.

a. During the appeal hearing, the board appeared to have listened politely and patiently. The bulk of our argument was based on assertions of J[redacted] rights being violated, and we tried to prove that the definition of HIB had not been met by primarily because no details about what had occurred had been disclosed - such as a substantial disruption of someone's rights or school function.

b. We presumed that when the board convened after we left, it would take our concerns seriously - we even thanked the board for their time and consideration.

23. 04/09/2019: Parents asked for a copy of the HIB report.

A. BoE asked us if we were aware that we were entitled to a copy of the report.

B. We indicated "yes", we knew that by law we are entitled to details. We responded to the BoE that while we knew we were entitled to information about the allegation, and that we asked for it, we were nevertheless denied it, with student privacy laws specified as the reason we were not given it.

C. The board promised it would send us a redacted copy of the report.

24. 04/15/2019: Superintendent emailed petitioner a redacted copy of HIB report ("redacted report"). (See attachment "G").

A. Pursuant to ***N.J.A.C. 18A:37-15(6)*** this information should have been made available before J[redacted] was suspended, yet we received the redacted report 9 weeks after he was suspended.

a. On 2/11/2019, principal notified superintendent. At the latest, we should have been provided the report on 2/16/2019. Instead, we were provided the report on 4/15/2019. But the information therein still should have been provided before J[redacted]'s suspension, and before a hearing which never took place.

B. At the time of receipt of the redacted report, we learned several new things:
    a. That there were five witnesses, including J[redacted] but not the complainant, all of whom support J[redacted]'s account that ***nothing offensive was said***;
    b. That J[redacted]'s friends were ***not*** the ones who initiated the HIB complaint;
    c. That J[redacted] did ***not*** target the target;
    d. That J[redacted]'s actions were accidental and unintentional;
    e. That [redacted]'s actions were not malicious;
    f. That J[redacted] was unaware that his actions were offensive;
    g. That the school deferred us to J[redacted] for details of the incident, despite knowing that his actions were unintentional, non-malicious, and that he was unaware he did anything wrong;
    h. That J[redacted] was accused of calling someone "the n-word" - which is ambiguous (either "nigger" or "nigga"; the former is offensive, and the latter is not).
        I. The school did not confirm any language used by J[redacted].
        II. The report indicates that all witnesses say that J[redacted] said nothing offensive.
    i. The identity of the complainant.

B. There may be yet another violation of law - the HIB target was identified by the school. In the redacted report, the complainant is identified. Student privacy laws were ***specifically*** cited by the ABS as the reason we were denied any information about the HIB.
    a. Other than the identity of the witnesses, none of whom were otherwise identified, no other information was redacted. We therefore presume that the identity of the complainant is the subject of the privacy laws.

C. We assert that there is a conflict in the redacted report: it says J[redacted] had no intention to offend, but that the target was offended. If the offense was accidental, unaware, and non-malicious, we assert there cannot be a target.

D. We additionally assert that the school's conclusion in the redacted report is wrong:
    a. The redacted report concludes by indicating that students have a right to attend school and not be subjected to racially charged language.
    b. We tend to agree in spirit of what the conclusion reads.
    c. But as the conclusion reads, "The incident meets the criteria for a confirmed HIB based upon a student having the right to attend school and not be subjected to racially charged language", we observe:

I. We've already asserted elsewhere, herein, and at the appeal hearing, that the criteria for a HIB had not been met.

II. To be "subjected to" means to be "under the control of".

III. Having to read aloud passages in *Mockingbird* using "nigger" during class necessarily ***subjects*** students to racially charged language. Thus, by the school's own interpretation of HIB, we assert that the school is subjecting students to racially charged language.

IV. Overhearing speech does not place the overhearing student under any kind of control - she could walk away, engage, or ignore.

i. The overhearing student is not "subjected to" anything, because, that overhearing student was not under the control of that conversation - a necessary element in order to be "subjected to".

ii. Further, no racially charged language was overheard, so none of this even violates a *code of conduct*.

V. We do agree that students DO have a right not to be harassed, intimidated, or bullied with racially charged language. But they do not have the right to not overhear non-offensive language, which is the crux of this incident: a student overheard non-offensive language, and then complained about it. Perhaps she misheard, but that would have been mentioned in the report after interviewing the witnesses, including the complainant's own friend. We want to know if the school considered this possibility.

E. We find it infuriating that the school - the ABS team and the executive board - knew there were witnesses that supported J[redacted], yet that was never disclosed to us.

F. We further find it outrageous that J[redacted] served a suspension because he unintentionally did something he was unaware of, and with no intervention offered as allowed by law.

G. We further find it shocking that even though the school knew that J[redacted] was unaware his actions were wrong, and that they were unintentional, it nevertheless expected that J[redacted] would recall the event so that details about the event could be provided to us.

H. Shocking the conscience most of all, the school twice - **TWICE** - heard us argue J[redacted]'s defense against the wrong target and the wrong claim, and the school did not disclose that until after the appeal hearing. J[redacted] was lead to believe - for 9 weeks - that his own friends initiated the HIB complaint.

25. 04/22/2019: As allowed by law, and specifically suggested by the Commissioner's office, parents request to meet with BoE again. (See attachment "H").

N.J.S.A. 18A:37-15(b)(6)(e)

https://www.state.nj.us/education/students/safety/behavior/hib/ParentGuide.pdf (see p22)

26. 04/22/2019: Superintendent declined to meet with us, citing no reason. (See attachment “I”).

27. 04/23/2019: Citing law, parents again strongly urged to meet with BoE again. (See attachment “J”).

    N.J.S.A. 18A:37-15(b)(6)(e)

    We cited the law allowing us to meet with school officials, which included the BoE, and we additionally requested to meet with the board lawyer.

28. 04/23/2019: Superintendent again declined to meet with us. (See attachment “K”).

Petitioner’s Additional Input

29. As established by *Tinker*, we recognize that schools have an interest in regulating speech that interferes with or disrupts the work and discipline of the school.

    A. We also acknowledge that there are conflicting court cases which side with one side of a HIB case or the other. As examples:

        a. Kowalski vs. Berkeley County School District in West Virginia
        b. J.S. vs. Blue Mountain School District
        c. Layshock vs. Hermitage School District
        d. Snyder v. Blue Mountain School District

    B. In each case, the test for “substantial disruption” was attempted, resulting in different outcomes. All based their arguments, in part, on 1st amendment rights to free speech, as does J[redacted]. We request that consideration of the severity of these cases to be weighed against the severity of J[redacted]’s case. We argue that J[redacted]’s language was friendly and non-offensive in nature, and was a private conversation passively overheard by someone else who was offended and may even have misheard what she heard. J[redacted]’s case contrasts sharply with the actors who were actively exerting power over victims in *Kowalski*, *J.S.*, *Layshock*, and *Snyder*. If the court considers the actors in *J.S.* to not be bullies, how, then, can J[redacted] be considered a bully here?

30. We also acknowledge that parental involvement is important in the process, both the victim and the accused. In this case, it is not only unclear what J[redacted] said which was alleged racist, we also question whether there was even a case of HIB at all. We adamantly protest all actions against J[redacted], and assert that he’s completely innocent of any HIB or *code of conduct* allegations. To preserve his rights, we demanded to be present during his questioning. The school not only denied our presence, but it also denied us all of the relevant facts - including exculpatory facts, even after the appeal to the board of education. We don’t know the method of his questioning during which the school says he admitted to the allegation, and we strongly suspect the school used an unethical, albeit legal, investigative technique. Any child in this kind of instance is vulnerable, and cannot be expected to know or exercise his rights. J[redacted]’s rights to due process as afforded him in the Constitution’s 5th and 14th amendments have been violated. Bullying is so important to the NJ legislature that it is attempting to pass bills to address just this. Consider:

    A. https://www.njleg.state.nj.us/2016/Bills/A9999/5217_I1.HTM

    B. In this case, NJ legislators are attempting to make it explicitly required to offer parents the opportunity to be present during questioning.

C. Because the school denied our right to be present, much of the school's account of J[redacted]'s questioning cannot be corroborated, and gives the strong appearance of impropriety, such as using Reid investigative techniques to elicit a false confession. Using such methods shows that the school does not consider the role of the parent as being very important. Of course, in a criminal case where the parent may be the subject of a crime, that is different, and is necessary to keep the parents away. But in such a case, law enforcement is involved and then the accused and the victim are given legal counsel. That J[redacted] is accused of violating someone's rights, is punished for it, and isn't even told of exculpatory details of the allegation reeks of mismanaged investigation and is a violation of his 1st, 5th, 6th, and 14th amendment rights to due process, informed nature of the allegation, counsel, expression, and equal protection.

31. We also observe that the school district has had a very unfavorable view of J[redacted] in the past, albeit with predominantly different actors in the administration.

    A. So unfavorable it was that we sought legal action before. In those cases, the school ultimately worked these issues out with us, although not exactly to our satisfaction, and certainly not to J[redacted]'s satisfaction.

        a. The most recent action was 3 years ago, and involved 13 days of suspension, 10 of them concurrent to the last day of school.

        b. In that case, J[redacted] was not given any hearings, nor afforded any rights to due process. It was completely blown out of proportion, and in the end, the unpopular principal left the school. Nevertheless, the teacher involved remained, and as a result, J[redacted] decided not to partake in after school activities (soccer) in order to avoid the teacher's presence.

        c. Additionally, J[redacted] - a member of the Boy Scouts - initially tried using the board of education hearing and his overall experience in this HIB instance as a learning opportunity and a means for satisfying a Citizenship in the Community award requirement. That did not turn out well, as he is unable to objectively rationalize and discuss this incident in a coherent manner, as he gets extremely emotional. We not only had to abandon this HIB instance for use in the award's requirement, but we sought assistance with his psychologist to help him cope.

    B. Such a history normally deteriorates trust in the school administration, and we are confident that the Commissioner is well aware that capricious and arbitrary actions against students only beget behavior which gets caught in a cycle from which the student cannot easily emerge. Countless studies have been done showing that suspensions negatively impacts a student's growth and potential. In this case, the school fully admits that J[redacted]'s actions were unintentional and not malicious - yet it found reason to suspend him anyway. Why? It also expected that he would receive some sort of counseling sessions (three of them) with the ESS staff. J[redacted]'s actions were deemed accidental, so what kind of counseling was deemed necessary?

32. To substantiate a HIB, we assert that an aggressor must seek a target, and then use a distinguishing feature of the target in order to insult or demean.

    A. That did not occur in this case, because J[redacted] did not seek out a victim, because his actions were unintentional and without malice; further, the victim was anonymous, unknown, and

unseen, and therefore, so was her race. Therefore, there was no target, and therefore, there is no HIB.

B. Further, the language J[redacted] is alleged to have used is also in dispute. Including J[redacted], five out of six people that the school interviewed said that J[redacted] said nothing offensive. At the center was the accusation that J[redacted] used the "n-word". Apparently that could be "nigger" or "nigga". The former is deeply offensive, while the latter is not. And yet, the words may often sound the same. It is possible that the target misheard J[redacted] and his friends. Indeed, J[redacted] and his friends and the ABS team readily admit that "nigga" is used endless times in school and without repercussion. Such phrases are also used among all students, whether black, white, or other.

C. As a result, it's not clear how J[redacted] could have managed to target the complainant when she was anonymous, and then with that anonymity deduce her race, and then with that information, use a racial slur which offends only her, but not the other five people who were in or near the conversation.

33. The school hinted that a target may not always be directly attacked. The school asserts a victim of bullying could be "indirectly attacked". We tend to agree, but that is not what happened in this incident.

A. We assert that In the case where an aggressor uses another actor to attack a target, both the aggressor and the other actor are bullies, where the aggressor indirectly attacked using the other actor as a proxy who directly attacked. And in such a case, both are acting in concert to exert power over the victim.

B. We assert that in J[redacted]'s case, there was no intent to attack, and so, there is no direct or indirect attack. Without intent, there is no attack, ergo, nothing direct or indirect.

C. While the complainant may feel offended, she was not a victim and was not bullied.

WHEREFORE, to mitigate a repeat episode in the future; and to clear J[redacted] good name; and (given the totality of comments about *To Kill A Mockingbird* at the BoE appeals hearing, the decision about the HIB allegation, the reasoning of its decision, the lack of questioning, the silence about our assertions about violations of law and civil rights, and the lack of consideration for the effect of a HIB (of a racial nature) on J[redacted]'s record and not giving it due consideration) to regain lost confidence in the board to make decisions on racial matters; petitioner requests the following relief:

1. That J[redacted] [redacted]record of suspension and the HIB allegation and code of conduct violation, and anything related to this matter be expunged from his records irrevocably and permanently, and that any information about this matter cannot be used against him or disclosed in any way to anyone or any entity within or beyond the Boonton School District;

2. Anyone or any entity related to this matter who may already have details related to this matter shall be duly notified that this matter has been corrected and reflects the findings of the Commissioner and petitioner. Such people or entities may include:

   a. The HIB complainant

   b. The investigators of the HIB complaint including, but not limited to:

1. principal
2. assistant principal(s)
3. anti-bullying specialist(s)
4. IEP case workers
5. guidance counselors

c. Anyone involved in the appeals of the complaint including, but not limited to:

1. Boonton School District superintendent
2. Boonton School District executive board of education

d. Anyone who has information about this allegation

3. Petitioner demands an in-person meeting with the executive board of education, and the ABS team involved in this incident, and demands answers as to why J[redacted]'s rights were violated, and why the school came to the conclusion that it did. Some of the things petitioner wants to know:

a. Why did we not get details of the incident when we asked for it?

b. Why did the school not allow the parents to be present during questioning?

c. Why did the school not provide a hearing for J[redacted]?

d. Why did the school suspend J[redacted] for something it deemed accidental/unintentional?

e. Per HIB definition, what did the school deem "substantial disruption"?

f. Why does the school indicate that [redacted]'s actions were unintentional and unknowing, yet still lists someone as the "target"?

g. Why did the school refer us to J[redacted] for details of an incident in which it declared the day before that J[redacted]'s actions were unintentional and that he was unaware that his actions were wrong?

h. Why does the school find books like *Tom Sawyer*, *Huckleberry Finn*, and *To Kill a Mockingbird* appropriate reading material even though the school also discloses that districts across the country find to the contrary and are no longer making them required reading material?

i. Why we were twice denied a request to meet with school to get more answers after we received the redacted report?

j. Did the school consider why J[redacted] would use racially offensive language to his black friends?

k. Other related questions as they arise during this discussion.

4. Petitioner demands that the school revise its checklist and procedures, as noted on the redacted report, for following protocols. This revision needs to account for both the accused and the accuser's rights.

5. Petitioner demands a reason why the executive board of education, in ruling against petitioner's appeal, it upheld the respondent's finding (ie, let it stand that a HIB occurred and that J[redacted] was the aggressor) with the reasoning of "no new information had been provided"

a. Petitioner finds this response unconscionable, offensive, shocking, and contemptuous, given multiple examples of J[redacted]'s rights being violated, the exculpatory witnesses, and the school's own admittance that J[redacted]'s actions were unintentional and that he was unaware they were wrong. And that it knew - two times - that J[redacted] was defending against the wrong target with the wrong HIB claim.

_____ _____

Petitioner Date

[redacted] J[redacted], of full age, being duly sworn upon his or her oath according to law deposes and says:

1. I am the petitioner in the foregoing matter.
2. I have read the petition and aver that the facts contained therein are true to the best of my knowledge and belief.

_____ _____

Petitioner Date

Sworn and subscribed to before me this _____ _____ _____

Day of month year

_____ _____

Signature of Notary Public Date