

Grand jury declines to indict special ed teacher on abuse charge



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ELMWOOD PARK - A grand jury has voted not to indict a special education teacher arrested and **accused of child abuse** at Sixteenth Avenue Elementary School in 2015, her attorney said Wednesday.

Ashley L. Frabizzio, 31, of Butler, was freed on \$2,500 bail after her arrest 14 months ago on two counts each of child abuse and simple assault.

The grand jury voted a "no bill" on the charges in December, dismissing a case brought by John Molinelli, who was the Bergen County Prosecutor at the time.

"Please note this does not necessarily preclude further prosecution, including in municipal court," Deepa Jacobs, acting assistant prosecutor in Bergen County, stated in a letter to Frabizzio.

Frabizzio's attorney, Timothy Smith, said Thursday he believes the case will not be prosecuted in municipal court.

Smith said he wanted to wait to make sure the case would not be refiled before speaking publicly on Frabizzio's behalf.

"The charges have been dismissed and will not be refiled (in any venue)," Smith said.

Frabizzio, who is a married mother, was **accused of grabbing and pushing two 9-year-olds** in her care on two separate occasions. One of the children allegedly struck his head on furniture and was injured, according to complaints filed in the case.

A school administrator reported the alleged abuse to authorities, as required by state law.

Smith said Monday the allegations were untrue.

"We felt from the beginning this was a misunderstanding," Smith said. "There was no probable cause for the charges. There was no basis for them. Justice was served."

Smith thanked members of the current prosecutor's office for "presenting the case in an unbiased and fair manner."

Frabizzio, who was not tenured, has no intention of returning to her former job, Smith said. She made about \$47,000 a year and was suspended with pay shortly after her arrest.

Smith said he believed the teacher's contract ran out and was not renewed.

"She's a terrific mother and person," Smith said. "That's the tragedy when something like this gets into the media. It's very difficult to get out from under that stigma."

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