

New Jersey Commissioner of Education
Final Decision

C.F., on behalf of minor child, C.F.,

Petitioner,

v.

Board of Education of the Township of Jackson,
Ocean County,

Respondent.

The record of this matter and the Order Denying Emergent Relief of the Office of Administrative Law (OAL) have been reviewed and considered.¹

Upon review, the Commissioner concurs with the ALJ that petitioner has failed to demonstrate entitlement to emergent relief pursuant to the standards enunciated in *Crowe v. DeGioia*, 90 N.J. 126, 132-34 (1982) and codified at N.J.A.C. 6A:3-1.6. Accordingly, the recommended Order denying petitioner's application for emergent relief is adopted for the reasons stated therein.

Additionally, the Commissioner agrees with the ALJ that dismissal of this matter is appropriate. The grade challenged by petitioner was given to his son in October 2024, but the

¹ Upon review of the Order entered in this matter, the Commissioner determined that it was fully dispositive of all issues in the case, and should therefore be treated as an Initial Decision, pursuant to N.J.A.C. 1:1-18.1(b). The Office of Controversies and Disputes notified the parties of this determination, advised the parties that they would be permitted to file exceptions, and provided instructions for same. The parties did not file any exceptions.

petition of appeal was not filed until May 2025, well outside the 90-day period permitted by *N.J.A.C. 6A:3-1.3(i)*. The Commissioner therefore concludes that the petition is time-barred.

Accordingly, the petition of appeal is hereby dismissed.

IT IS SO ORDERED.²



COMMISSIONER OF EDUCATION

Date of Decision: June 23, 2025
Date of Mailing: June 23, 2025

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER DENYING

EMERGENT RELIEF

OAL DKT. NO. EDU 08497-25

AGENCY DKT. NO. 145-5/25

C.F. o/b/o C.F.,

Petitioner,

v.

BOARD OF EDUCATION OF THE

TOWNSHIP OF JACKSON,

Respondent.

C.F., on behalf of minor child C.F., pro se

Christopher Sedefian, Esq., for respondent (Schenck Price, LLC, attorneys)

BEFORE **ALLISON FRIEDMAN, ALJ:**

STATEMENT OF THE CASE

C.F., a junior at Jackson Memorial High School, requests a grade change for a low grade received approximately seven months ago so not to affect his eligibility of admission to colleges and scholarships not yet applied for. Is C.F. entitled to emergent relief? No. Emergent relief can only be granted if the petitioner demonstrates irreparable harm. N.J.A.C. 6A:3-1.6(b) and Crowe v. DeGioia, 90 NJ 126 (1982).

PROCEDURAL HISTORY

On May 7, 2025, the petitioner's father, C.F., filed a motion, brief and accompanying exhibits for emergent relief with the Department of Education (DOE) requesting a grade change on behalf of his son, C.F. On May 14, 2025, the DOE transmitted the case to the Office of Administrative Law as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and N.J.S.A. 52:14F-1 to -23. On May 16, 2025, petitioner filed a brief in support of his motion. On May 20, 2025, the district filed a response to petitioner's brief.

On May 22, 2025, the parties appeared for oral argument on the motion for emergent relief.

DISCUSSION AND FINDINGS OF FACT

Based upon the papers submitted in support of and in opposition to the motion for emergent relief, I **FIND** the following as **FACT** for purposes of this motion only:

C.F. is a general education student in his junior year enrolled at Jackson Memorial High School. He received a 61 percent in Algebra Two for marking period one, which is September 5, 2024, to October 21, 2024. C.F.'s father argues that a broken Chromebook, teacher absence, and lack of school response to the specific educational needs of C.F. caused the low grade. C.F.'s school issued Chromebook broke on September 12, 2024, but was returned to C.F. on September 16, 2024. (R-SSJ) The high school has Chromebooks it can loan to students. C.F. was aware that he could borrow one, but he did not. (R-SSI) Nevertheless, during the time that C.F. was without his Chromebook, Ms. Sharp allowed C.F. to submit any missing homework late for full credit. (R-GS)

Contrary to petitioner's assertion, Ms. Sharp, the student's teacher, was only absent three days during marking period one. (R- GS) C.F.'s father, emailed the school October 17, 2024, with his concerns for his son's grade. (P-D) Each email sent by C.F.'s father was responded to in a timely manner and included suggestions for C.F. to obtain

assistance. There is no indication C.F. availed himself of the extra help. (R-SSC, R-SSE).

C.F. is also an athlete and has been speaking to colleges about their admission requirements. C.F. and his father are concerned that low grade will jeopardize C.F.'s eligibility for college admissions and potential scholarships. C.F., however, has not submitted any applications to college for admission. He has not submitted any applications for scholarships either. Petitioner assert that they will do so in the future.

I **FIND** the broken Chromebook, lack of responsiveness of the school, nor absence of Ms. Sharp, were the cause of C.F.'s 61 percent in Algebra Two. I further find that eligibility for college and scholarships having not been applied for yet are not in jeopardy of loss due to the low grade.

CONCLUSIONS OF LAW

A petitioner is entitled to emergent relief when, by clear and convincing standard of credible evidence, they demonstrate irreparable harm if relief is not granted. N.J.A.C. 6A:3-1.6(b) and Crowe v. DeGioia, 90 NJ 126 (1982). When the concerns of the petitioner are speculative, relief should not be granted merely to allay the anxiety of the parties. Adams v. Freedom Forge Corp. 204 F.3d 475, 490 (3rd 2000) (quoting Continental Group Inc. v. Amoco Chemicals Corp., 614 F.2d 351, 359 (3d Cir. 1980).

In this case, C.F. asserts that the irreparable harm is "the risk of jeopardizing [C.F.'s] eligibility" for college and scholarships due to the low grade received in the first marking period in Algebra Two. This, however, is speculative. Indeed, to grant the motion would be to merely allay his anxiety. Accordingly, I **CONCLUDE** that C.F. has not proven by clear and convincing evidence that he is entitled to emergent relief.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the motion for emergent relief is **DENIED** and that this case is **DISMISSED**.

This order on application for emergency relief may be adopted, modified, or rejected by the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this case. The final decision must be issued without undue delay, but no later than forty-five days following the entry of this order. If the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION** does not adopt, modify, or reject this order within forty-five days, this recommended order becomes a final decision on the issue of emergent relief in accordance with N.J.S.A. 52:14B-10.



May 23, 2025

DATE

ALLISON FRIEDMAN, ALJ

Date Received at Agency:

Date E-Mailed to Parties:

AF

APPENDIX

Witnesses

For Petitioner

In lieu of certification C.F. senior made sworn statements in his argument.

For Respondent

None

Exhibits

For Petitioner

- P-A Email, dated April 30, 2025
- P-B C.F.'s complete grades for the 2024-2025 school year
- P-C C.F.'s High School Grades since enrollment at Jackson Memorial
- P-D Email conversations from October 17, 2024, November 22, 2024 email to counselor, May 1, 2025, email to Dr. Laura Godlesky, email conversation of February 24, 2025
- P-E Grade weighting for the class, receipt for repair of Chromebook
- P-F February 24, 2025, to Sarah Seeley from C.F. senior
- P-G May 2, 2025, email from C.F. senior to Jackson Township Board of Education

For Respondent

- R- SS: Certification of Sarah Seeley
- R-SSA: Email, dated February 19, 2025
- R-SSB: Email, dated February 24, 2025
- R-SSC: Emails, dated February 24. 2024
- R-SSD: Gradebook C.F. marking period one
- R-SSE: Student Handbook
- R-SSF: Student Data C.F.
- R-SSG: Loaner Chromebooks classroom location
- R-SSH: Chromebook Schedule

R-SSI: Slide 11 and Chromebook loaning

R-SSJ: Incident IQ – workorder for the broken Chromebook

R-SSK: Email, dated October 15, 2024

R-LG: Certification of Laura Godlesky

R-LGA: Email, dated April 30, 2025 (P-A)

R-LGB: Email, dated May 1, 2025

R-GS: Certification of Gretchen Sharp

R-GSA: Email, dated September 12, 2024

R-GSB: Emails, dated October 15, 2024, and October 17, 2024

R-GSC: Genesis Parent Portal Usage