350-25R
OAL Dkt. Nos. 08244-25, 08550-25, 08580-25, 08593-25, and 08973-25 (consolidated)
Agency Dkt. Nos. 135-5/25, 138-5/25, 141-5/25, 148-5/25, and 150-5/25

New Jersey Commissioner of Education

Final Decision

Eric Marozine,

Petitioner,

v.

Board of Education of the Township of Monroe, Middlesex County,

Respondent.

AND

Pradeep Melam,

Petitioner,

v.

Board of Education of the Township of Monroe, Middlesex County,

Respondent.

AND

Roshni Shah,

Petitioner,

v.

Board of Education of the Township of Monroe, Middlesex County,

Respondent.

AND

Cristina Bolusi Zawacki,

Petitioner,

v.

Board of Education of the Township of Monroe, Middlesex County,

Respondent.

AND

Christine Skurbe,

Petitioner,

v.

Board of Education of the Township of Monroe, Middlesex County,

Respondent.

The record of these consolidated matters, the Order on Emergent Relief of the Office of Administrative Law (OAL), the exceptions filed by petitioners pursuant to *N.J.A.C.* 1:1-18.4, and the reply thereto by the Monroe Board of Education (Board) have been reviewed and considered.[1]

[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 petitioners filed joint exceptions.

This matter involves the Board's May 5, 2025 suspension of the district's superintendent, Dr. Chari Chanley. Petitioners, who are residents, taxpayers, and parents of children who attend schools in the district, challenged the suspension and sought emergent relief in the form of Dr. Chanley's immediate reinstatement.

The Administrative Law Judge (ALJ) concluded that petitioners do not have standing to bring an action on behalf of an employee over a personnel issue. The ALJ further concluded that petitioners had failed to meet the requirements for emergent relief, noting that there was no immediate or irreparable harm and that any harm that might be caused was speculative. The ALJ also found that petitioners did not demonstrate that their legal right to enjoin the Board from suspending Dr. Chanley is settled, that they had a likelihood of success on the merits, or that they would suffer greater harm than the Board if the relief were not granted.

In their exceptions, petitioners argue that the ALJ failed to consider their argument that *N.J.S.A.* 18A:17-15 requires every public school district to have a licensed, qualified superintendent, and that the Assistant Superintendent is currently performing the duties of the Superintendent without proper appointment or licensure.[2] According to petitioners, the ALJ also failed to recognize that the Board's actions violate district policies and Robert's Rules of Order.

[2] In response to this contention, the Board submitted Certifications regarding actions taken following the issuance of the ALJ's Order. Pursuant to *N.J.A.C.* 1:1-18.4, evidence not presented at the hearing shall not be submitted as part of an exception. Therefore, the Certifications were not considered. However, a review of the petitions filed in these matters demonstrates that none of the petitioners alleged therein that the Board was operating its district without a licensed, qualified superintendent. Accordingly, the Commissioner concludes that the ALJ committed no error in omitting this issue from the analysis in the Order.

Petitioners contend that New Jersey courts take a liberal approach to standing, and that they have standing to pursue this action as parents, taxpayers, and residents.

In response, the Board argues that the ALJ correctly determined that petitioners lack standing and have failed to meet the requirements for emergent relief.

Petitioners' claims fall into several broad categories. First, petitioners are concerned that Dr. Chanley did not receive notice of the Board's action, a public hearing, or other due process protections. Upon review, the Commissioner concurs with the ALJ that petitioners lack standing to pursue these claims and do not qualify as "interested persons" under *N.J.A.C.* 6A:3-1.2. "Restrictions on standing apply to those who initiate administrative proceedings before the Commissioner." *Cantatore v. Bd. of Educ. of Carlstadt-East Rutherford Reg'l High Sch. Dist., Bergen Cnty.*, OAL Dkt. No. 05498-22, Initial Decision at 7, *adopted*, Commissioner Decision No. 153-23 (May 25, 2023); *see also Bennett v. Sullivan, Bogdansky, Mariani, Emmolo, and Ansh*, Commissioner Decision No. 445-24 (Dec. 9, 2024). To pursue a controversy or dispute arising under the school laws, a person must be an "interested person," which is defined as "a person who will be substantially, specifically, and directly affected by the outcome of a controversy before the Commissioner." *N.J.A.C.* 6A:3-1.2. Put another way, a petitioner must demonstrate "some measurable amount of detrimental impact on the complaining party's personal rights." *Cantatore*, *supra*, Initial Decision at 8 (internal quotation and citation omitted).

Any due process protections that Dr. Chanley may have regarding her suspension are personal to her, and the right and standing to challenge the Board's actions belongs to her – not to petitioners. Petitioners present no evidence to demonstrate that the alleged due process violations had any detrimental impact on them personally. To the extent that petitioners rely

on their status as residents and taxpayers in Monroe, they have not alleged any personal financial ramifications based on the Board's actions, defeating their claim to standing on this basis. *See Herron v. Bd. of Educ. of Twp. of Montclair*, Commissioner Decision No. 233-14 (June 2, 2014). Some of the petitioners are parents of children who attend school in Monroe, providing an alternative path to standing. However, as the Appellate Division stated when finding that parents lack standing to enforce a collective negotiation agreement between a public employer and a public employee union, "While we recognize that parents have an abiding and legitimate concern in the outcome of a dispute such as the one presented by this appeal, we do not feel that the interest is the equivalent of, or bestows legal standing to sue." *Loigman v. Twp. Comm. of the Twp. of Middletown*, 297 *N.J. Super.* 287, 298 (App. Div. Feb. 6, 1997) (internal quotation and citation omitted). The present matter does not involve a collective negotiation agreement, but it does involve a personnel matter, and the Commissioner finds that the logic of the *Loigman* decision similarly applies here. Accordingly, petitioners' due process claims are dismissed.

Additionally, petitioners allege that certain Board members violated ethics codes in voting on the suspension. Jurisdiction over violations of the School Ethics Act and the Code of Ethics for School Board Members lies with the School Ethics Commission, not with the Commissioner. As the Commissioner is unable to exercise jurisdiction over these claims, they are dismissed.

Petitioners also allege that the Board's vote violated Robert's Rules of Order, under which the Board operates pursuant to District Policy 0164. The Commissioner finds that, as residents, taxpayers, and parents, petitioners are directly impacted by the manner in which the Board runs its meetings, and therefore petitioners have standing to assert their claims that the Board violated its own policies during the meeting at issue. However, the record does not contain

sufficient information to determine whether a violation of Board policy occurred, and additional factfinding is therefore necessary to reach a conclusion on the merits of this claim. The Commissioner does concur with the ALJ that petitioners have failed to demonstrate entitlement to emergent relief related to this claim, 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. As such, while petitioners may proceed on the merits of this claim, their request for emergent relief is nonetheless denied.

Accordingly, the recommended Order is adopted to the extent that petitioners' request for emergent relief is denied, and any due process and school ethics claims related to Dr. Chanley's suspension are dismissed. This matter is remanded to the OAL for further proceedings related to petitioners' claims involving violations of Robert's Rules of Order, as incorporated into District Policy 0164, consistent with this decision.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: July 11, 2025
Date of Mailing: July 14, 2025

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER ON
EMERGENT RELIEF

ERIC MAROZINE,
Petitioner,
v.
BOARD OF EDUCATION OF TOWNSHIP OF MONROE,
Respondent.

OAL DKT. NO. EDU 08244-25
AGENCY DKT. NO. 135-5/25
(CONSOLIDATED)

AND

PRADEEP MELAM,
Petitioner,
v.
BOARD OF EDUCATION OF TOWNSHIP OF MONROE,
Respondent.

OAL DKT. NO. EDU 08550-25
AGENCY DKT. NO. 141-5/25

AND

ROSHNI SHAH,
Petitioner,
v.
BOARD OF EDUCATION OF TOWNSHIP OF MONROE,
Respondent.

OAL DKT. NO. EDU 08973-25
AGENCY DKT. NO. 150-5/25

AND

CRISTINA BOLUSI ZAWACKI,
Petitioner,
v.
BOARD OF EDUCATION OF TOWNSHIP OF MONROE,
Respondent.

OAL DKT. NO. EDU 08580-25
AGENCY DKT. NO. 148-5/25

AND

CHRISTINE SKURBE,
Petitioner,
v.
BOARD OF EDUCATION OF TOWNSHIP OF MONROE,
Respondent.

OAL DKT. NO. EDU 08593-25
AGENCY DKT. NO. 138-5/25

Eric Marozine, **Pradeep Melam, Roshni Shah, Cristina Bolusi Zawacki**, and **Christine Skurbe**, petitioners, pro se

Rita F. Barone, Esq., **Robert M. Tosti**[1], Esq. for respondent (Flanagan, Barone & O'Brien, LLC, attorneys)

BEFORE **MARY ANN BOGAN**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioners Eric Marozine, Pradeep Melam, Roshni Shah, Cristina Bolusi Zawacki, and Christine Skurbe (petitioners) filed a Verified Petition of Appeal (Petition)

[1] Appeared for oral argument on May 23, 2025.

and Motion for Emergent Relief with the Commissioner of Education. The Office of Controversies and Disputes of the Department of Education (Department) transmitted the contested case to the Office of Administrative Law, where it was filed on May 14, 2025.

The petitioners demand the immediate reinstatement by the Monroe School District Board of Education (Board) of Dr. Chari Chanley, Superintendent of the Monroe School District, based on violations of due process, board policy, and law. The respondent Board, in opposition, contends among other assertions that petitioners lack standing to bring a claim as the decision to place Dr. Chanley on paid administrative leave is a confidential personnel matter between the Board and Dr. Chanley.

Oral argument was heard on May 23, 2025.

FACTUAL DISCUSSION

During the May 5, 2025, Board meeting, the Board placed Dr. Chanley on administrative leave with pay after the evaluation of the superintendent during executive session. Petitioners, who are residents, taxpayers, and parents of children who attend the District schools, allege that the Board took improper action when it considered Dr. Chanley's employment status, placed Dr. Chanley on paid administrative leave, and did not follow proper procedures. Specifically, the petitioners state he Board placed Dr. Chanley on leave based solely on "what we heard here tonight" and did not provide Dr. Chanley with prior notice or an opportunity to respond, did not properly document and investigate the matter, violated Dr. Chanley's due process rights, and did not follow District policy 0164, Conduct of Board meeting, or the Roberts Rules of Order. The petitioners also seek relief from the Board's arbitrary and capricious decision to remove Dr. Chanley and its pattern of swiftly removing high-performing administrators. The Board in its action has abused its authority, demoralized the school, impacted the District's ability to attract talented educators, and caused the loss of experienced leaders. The petitioners further assert, Dr. Chanley's absence materially affected the District because she has the most experience and is "deep into" projects that are timely and complex. For example, these projects include, under the leadership of Dr. Chanley,

the establishment of a full day kindergarten. Petitioners maintain this project is now on hold and will not be started as previously planned. Dr. Chanley was also working on school travel safety issues and working to restore the operations of a District school. Furthermore, the petitioners find that the Board's action to place the interim superintendent into the role of the superintendent is insufficient to administrate the District schools.[2]

The Board maintains this is a confidential personnel matter between the employing Board of Education and an employee superintendent in which the Board took action to place Dr. Chanley on paid administrative leave. The Board points out that this action is not a final personnel action for Dr. Chanley, who continues to "enjoy[] contractual tenure."

LEGAL ANALYSIS AND CONCLUSION

As a threshold matter, a party must have standing to bring a claim before the Commissioner of Education. New Jersey follows a "liberal approach on the issue of standing." Crescent Park Tenants Ass'n v. Realty Equity Corp. of N.Y., 58 N.J. 98, 101, 107–11 (1971). Even under this approach, though, standing is limited to "situations where the litigant's concern with the subject matter evidence[s] a sufficient stake and real adverseness," preventing litigation by those who are "merely interlopers or strangers to the dispute." Id. at 107.

The petitioners argue that they have standing because a petitioner is a former Board president who has knowledge of the previous Board actions, and because all petitioners are residents and parents of school children who have knowledge of the Board's actions and are affected by the consequences of the Board's actions, especially the Board's pattern of removing administrators, without cause.

[2] In a late post-hearing submission, the petitioners state the Board did not appoint an interim superintendent because the appointment of the assistant superintendent to also serve as superintendent is inconsistent with the scope of the assistant superintendent's main role to shape academic policy and curriculum. Whereas the "role of [the superintendent encompasses a broader scope, including operational management, fiscal oversight, strategic planning, community relations, and governance with the Board of Education." The Board in its response states this response demonstrates the "speculative nature of the relief sought here."

The respondent states that the petitioners lack standing to bring this action. Respondents rely upon Loigman v. Twp of Middletown, 297 N.J. Super. 287 (App. Div. 1997). In Loigman, the plaintiff taxpayer sought to enforce a collective bargaining agreement between a Police Union and the Township. In addition to holding that this taxpayer lacked standing to enforce a public sector labor agreement, the court also noted that parents do not have standing in a case involving striking schoolteachers. While the court recognizes as I do that parents have a legitimate concern in the outcome of disputes such as a case involving striking teachers and, like here, changes in who administrates the schools that their children attend in the community where they reside and pay taxes, the petitioners' interest does not provide legal standing to bring this action.

The Board further relies on Joly v. Palmieri, OAL Dkt. No. EDU 03000-25 decided May 8, 2025, to demonstrate that a similar motion has already been decided. In Joly, a board member was denied requested emergent relief to set aside an executive county superintendent's decision to appoint a Board president.

I **CONCLUDE** that the petitioners herein cannot bring an action on behalf of an employee personnel issue that an administrator may have with the District.

Under N.J.S.A. 18A:6-9, the Commissioner's jurisdiction is defined, and is limited to, "controversies and disputes arising under the school laws." In Dunellen Board of Education v. Dunellen Education Association, 64 N.J. 17, 23 (1973), the New Jersey Supreme Court concluded that "the Legislature enacted provisions entrusting school supervision and management to local school boards . . . subject to the supervisory control [of] . . . the State Commissioner of Education."

The regulations governing such disputes before the Commissioner of Education provide that "[w]here the subject matter of the controversy is a particular course of action by a district board of education or any other party subject to the jurisdiction of the Commissioner, the petitioner may include with the petition of appeal, a separate motion for emergent relief or a stay of that action pending the Commissioner's final decision in

the contested case." N.J.A.C. 6A:3-1.6(a). The regulations further provide that the Commissioner may "[t]ransmit the motion to the OAL for immediate hearing on the motion." N.J.A.C. 6A:3-1.6(c)(3).

As set forth in N.J.A.C. 1:6A-12.1(e), N.J.A.C. 6A:3-1.6(b) and N.J.A.C. 6A:14-2.7(s), an application for emergent relief will be granted only if it meets the following four requirements:

1. The petitioner will suffer irreparable harm if the requested relief is not granted;

2. The legal right underlying the petitioner's claim is settled;

3. The petitioner has a likelihood of prevailing on the merits of the underlying claim; and

4. When the equities and interests of the parties are balanced, the petitioner will suffer greater harm than the respondent will suffer if the requested relief is not granted.

The moving party must demonstrate each element "clearly and convincingly." Waste Management of N.J. v. Union County Utilities Authority, 399 N.J. Super. 508, 520 (App. Div. 2008). Emergent relief is designed "to 'prevent some threatening, irreparable mischief, which should be averted until opportunity is afforded for a full and deliberate investigation of the case.'" Crowe v. DeGioia, 90 N.J. 126, 132 (citation omitted) (1982); see also N.J.A.C. 1:1-12.6(b) (citing Crowe, 90 N.J. 126, which echoes the regulatory standard for this extraordinary relief). It is well established that a moving party has the burden of proving each of the four elements of emergent relief.

Turning to the first criteria, it is well settled that relief should not be granted except "when necessary to prevent irreparable harm." Crowe, 90 N.J. at 126. In this regard, harm is generally considered irreparable if it cannot be adequately redressed by monetary damages. Id. at 132–33. Moreover, the harm must be substantial and immediate. Judice's Sunshine Pontiac, Inc. v. Gen. Motors Corp., 418 F. Supp. 1212, 1218 (D.N.J. 1976) (citation omitted). More than a risk of irreparable harm must be demonstrated. Cont'l Grp., Inc. v. Amoco Chems. Corp., 614 F.2d 351, 359 (3d Circ.

1980). The requisite for injunctive relief is a "clear showing of immediate irreparable injury," or a "'presently existing actual threat; (an injunction) may not be used simply to eliminate a possibility of a remote future injury, or a future invasion of rights, be those rights protected by statute or by the common law.'" Ibid. (citation omitted.)

In this case, there is no immediate or irreparable harm. It also has not been ascertained what harm has been caused since the superintendent has not been terminated and any harm that may be incurred is speculative. Currently the superintendent is on paid leave with the possibility of either party or both parties taking further action.

For the foregoing reasons, I **CONCLUDE** that petitioners have not demonstrated that they will suffer irreparable harm if the requested emergent relief is not granted.

Although all four standards for emergent relief must be met, the three remaining prongs of the standards for emergent relief will be addressed.

The second requirement is that emergent relief "should be withheld when the legal right underlying plaintiff's claim is unsettled." Crowe, 90 N.J. at 133 (citing Citizens Coach Co. v. Camden Horse R.R. Co., 29 N.J. Eq. 299, 304–305). The petitioners assert that the Board took action that is procedurally deficient. Here the legal right underlying petitioners' claim is not settled. Even if the Board may have violated Dr. Chanley's due process rights, there is no settled legal right to allow parents to intervene in a personnel matter between the superintendent and the Board.

For the foregoing reasons, I **CONCLUDE** that petitioners did not demonstrate that the legal right to enjoin the Board from placing Dr. Chanley on paid administrative leave is settled.

Under the third emergent relief prong, "a plaintiff must make a preliminary showing of a reasonable probability of ultimate success on the merits." Crowe, 90 N.J. at 133 (citing Ideal Laundry Co. v. Gugliemone, 107 N.J. Eq. 108, 115–16 (E. & A. 1930)). Here, the likelihood of petitioners' success on the merits is unclear.

The decisions of local governmental bodies, such as school boards of education, carry the presumption of validity and a showing of arbitrary, capricious, or unreasonable action. Palamar Constr., Inc. v. Pennsauken, 196 N.J. Super. 241, 250 (App. Div. 1983). The burden of proving that the action of the governmental agency was arbitrary and capricious lies with the petitioner. J.M. by his guardian D.M. v. Hunterdon Cent. Reg'l High Sch. Dist., 96 N.J.A.R. 2d (EDU) 415, 419 (December 4, 1995), Comm'r. (January 18, 1996).

For the foregoing reasons, I **CONCLUDE** that petitioners have not demonstrated a likelihood of success on the merits.

The final requirement relates to the equities and interests of the parties. Crowe, 90 N.J. at 134. The petitioners have not demonstrated that when the equities and interests are balanced, petitioners will suffer greater harm than the Board if the relief is not granted. N.J.A.C. 6A:3-1.6(b)(4).

Furthermore, petitioners' varied claims stating that the Board's actions violated the open public meetings act, caused ethical violations against various board members, violated procedural due process, and violated the evaluation and personnel procedures are subject to different venues and preclude this forum from making a decision herein.

I **CONCLUDE** that petitioners would not suffer greater harm than the District if the requested emergent relief is not granted. Accordingly, I **CONCLUDE** that the petitioners did not satisfy all four requirements for emergent relief.

Therefore, I **CONCLUDE** that petitioners' request for emergent relief be **DENIED**.

ORDER

For the foregoing reasons set forth above, it is hereby **ORDERED** that petitioners' request for emergent relief is **DENIED**.

This order on application for emergency relief shall remain in effect until the Commission makes a decision as to whether or not it will return the case for a decision on the merits in this matter.

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

May 27, 2025 _____
DATE

MARY ANN BOGAN, ALJ

MAB/nn
c: Clerk OAL-T