

New Jersey Commissioner of Education
Order on Emergent Relief

L.Z., on behalf of minor child, G.Z.,

Petitioner,

v.

Board of Education of the Township of Wayne,
Passaic County,

Respondent.

The record of this emergent matter, the sound recording of the hearing held at the Office of Administrative Law (OAL), and the recommended Order of the Administrative Law Judge (ALJ) have been reviewed and considered.

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. This matter shall continue at the OAL with such proceedings as the parties and the ALJ deem necessary to bring it to closure.

IT IS SO ORDERED.


COMMISSIONER OF EDUCATION

Date of Decision: September 19, 2025
Date of Mailing: September 22, 2025



State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

ORDER

DENYING EMERGENT RELIEF

OAL DKT. NO. EDU 13973-25

AGENCY DKT. NO. 227-7/25

L.Z. ON BEHALF OF MINOR CHILD, G.Z.,

Petitioner,

v.

BOARD OF EDUCATION OF THE TOWNSHIP

OF WAYNE, PASSAIC COUNTY,

Respondent.

L.Z., petitioner, pro se

John G. Geppert, Jr., Esq., for respondent (Scarinci & Hollenbeck, LLC,
attorneys)

Record Closed: August 21, 2025

Decided: August 21, 2025

BEFORE **ANDREA PERRY VILLANI**, ALJ:

STATEMENT OF THE CASE

L.Z. is the mother of G.Z., a student at Wayne Hills High School who had a difficult year in ninth grade. L.Z. now seeks an emergent transfer of G.Z. to Wayne

Valley High School for tenth grade, but she has alleged no irreparable harm. Is L.Z. entitled to emergency relief? No. Emergency relief may only be ordered when irreparable harm will otherwise result. N.J.A.C. 1:1-12.6(a).

PROCEDURAL HISTORY

On April 4, 2025, the Wayne Board of Education denied L.Z.'s request to transfer G.Z. from Wayne Hills High School to Wayne Valley High School.

On or about July 9, 2025, L.Z. filed a petition of appeal with New Jersey Department of Education, Office of Controversies and Disputes. L.Z.'s petition included a handwritten note stating, "I would like to request that this appeal be expedited."

On August 11, 2025, the New Jersey Department of Education, Office of Controversies and Disputes, transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23.

On August 21, 2025, I heard oral argument on L.Z.'s request for an expedited hearing for emergent relief and closed the record.

FINDINGS OF FACT

Based on the oral arguments and documents presented by the parties, I **FIND** the following as **FACT** for purposes of this application only:

G.Z. is a fifteen-year-old student at Wayne Hills High School (WHHS) in Wayne, New Jersey. He will be entering tenth grade in September 2025.

G.Z. had a difficult year in ninth grade at WHHS during the 2024/2025 academic year. According to his mother, L.Z., G.Z. had a hard time making friends and adjusting to the new environment.

In September 2024, G.Z. pushed another student after that student took his backpack and removed items from the backpack. G.Z. confronted the student, who put his hands on G.Z., G.Z. pushed him back, and both were sent to the office. G.Z. was written up for this, but the Assistant Principal later apologized after reviewing video, acknowledging that the altercation was not G.Z.'s fault.

In January 2025, G.Z. needed help in his Spanish class, but his Spanish teacher did not immediately respond to his emails. She took two or three days to respond. L.Z. then sent emails to the Assistant Principal on G.Z.'s behalf. L.Z. also asked G.Z.'s guidance counselor to transfer him to a different Spanish class, which the guidance counselor agreed to; but, after speaking with G.Z. about it, L.Z. decided against the transfer because it would change G.Z.'s class schedule.

In February 2025, L.Z. received a strange text message from a number she did not recognize. The text stated:

Dear Wayne Hills, High School Families,

We hope this message finds you well. We are writing to inform you of a recent concern regarding inappropriate behavior in the student restrooms. It has come to our attention that your son [G.Z.] has been engaging in actions that are not only against the school's code of conduct but also disrespectful to the community we strive to build at Wayne Hills High School.

We want to assure you that the safety, well-being, and respect of all students are our top priorities. Our school administrators and staff are actively working to address this issue and ensure that appropriate measures are in place to prevent further incidents. In addition, we recommend to have a sit and chat with your student and our school will be reinforcing the importance of responsible behavior, respect for school property, and consideration for peers during upcoming assemblies and classroom discussions.

L.Z. reported the text message to the school. The Vice Principal spoke with L.Z. and explained that the text was generated by AI, it did not come from the school, and that G.Z. was not in any trouble.

In March 2025, G.Z. had a problem with a student in the locker room while changing for gym class. G.Z. told L.Z. that this student grabbed him from behind and picked him up into the air. G.Z. yelled, “Let me go, I can’t breathe!” One of the gym teachers intervened and told G.Z. to “shut up” and told another teacher to watch the other students while he took “these two assholes” to the office.

On March 12, 2025, L.Z. filed a Harassment, Intimidation, and Bullying (HIB) Reporting Form regarding the locker room incident. WHHS investigated and issued a HIB Investigation Report concluding that HIB did not occur. WHHS did not find HIB because, among other reasons, the student’s and teacher’s actions were not motivated by an actual or perceived characteristic.

G.Z. is very anxious about returning to WHHS for the 10th grade. He wants to transfer to the other public high school in town, Wayne Valley High School (WVHS). According to L.Z., “[h]e is very eager to be with his friends” that attend WVHS. L.Z. also believes that it is in G.Z.’s “best interest academically, mentally, and socially” to transfer to WVHS. However, L.Z. and G.Z. live in the attendance area for WHHS.

The Wayne Board of Education has an Attendance Area Plan that governs where children in Wayne attend school. Every Wayne address is assigned an attendance area for either WHHS or WVHS. In developing its Attendance Area Plan, the Board considered the population of the areas, the capacity of the schools, transportation, and allocation of district resources.

LEGAL DISCUSSION

Under N.J.A.C. 1:1-12.6, an Administrative Law Judge may order emergency relief pending a final decision on the whole contested case where authorized by law and where irreparable harm will result without an expedited decision.

In this case, L.Z. has not demonstrated that G.Z. will suffer irreparable harm without an expedited decision. G.Z. already attended WHHS for a full academic year without suffering irreparable harm. Indeed, L.Z. does not allege that G.Z. will be

irreparably harmed by attending WHHS for another year; rather, she argues that it will be in G.Z.'s "best interest academically, mentally, and socially" to transfer to WVHS. This may be true, but it does not meet the standard for emergency relief. Therefore, I **CONCLUDE** that G.Z. is not entitled to an expedited decision for emergency relief and, instead, this case will proceed to a final decision on the whole contested case in due course.

ORDER

Given my Findings of Fact and Conclusions of Law, I **ORDER** that G.Z.'s request for emergency relief is **DENIED**.

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 matter. The final decision shall 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 shall become a final decision on the issue of emergent relief in accordance with N.J.S.A. 52:14B-10



August 21, 2025

DATE

ANDREA PERRY VILLANI, ALJ

Date Received at Agency:

August 21, 2025

Date Mailed to Parties:

August 21, 2025

sej

APPENDIX

Witnesses

For Petitioner:

L.Z.

For Respondent

None

Exhibits

For Petitioner.

- P-1 April 4, 2025 Letter from Assistant Superintendent
- P-2 April 8, 2025 Letter from Superintendent
- P-3 April 25, 2025 Letter from Board Secretary
- P-4 HIB Reporting Form
- P-5 HIB Investigation Report
- P-6 Emails to/from Assistant Principal
- P-7 Text Message

For Respondent:

- R-1 Board Policy No. 5120
- R-2 January 15, 2025 Emails
- R-3 Text Message
- R-4 February 21, 2025 Emails
- R-5 March 5, 2025 Emails
- R-6 HIB Reporting Form
- R-7 HIB Investigation Report
- R-8 Attendance Records
- R-9 Grades
- R-10 April 4, 2025 Letter
- R-11 April 4, 2025 Emails