

**New Jersey Commissioner of Education**  
**Order on Emergent Relief**

A.T.-L.,

Petitioner,

v.

Board of Trustees of Philip's Academy Charter School  
of Paterson, Passaic County, and Dwayne Davis,

Respondents.

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: November 7, 2025  
Date of Mailing: November 10, 2025



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**ORDER DENYING**

**EMERGENCY RELIEF**

OAL DKT. NO. EDU 16982-25

AGENCY DKT. NO. 329-9/25

**A.T.-L.,**

Petitioner,

v.

**BOARD OF TRUSTEES OF PHILIP'S ACADEMY  
CHARTER SCHOOL OF PATERSON, PASSAIC  
COUNTY AND DOWAYNE DAVIS,**

Respondents.

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**A.T.-L.,** petitioner, pro se

**Thomas O. Johnston, Esq.,** for respondent Philip's Academy Charter School of  
Paterson (Johnston Law Firm, attorneys)

BEFORE **KELLY J. KIRK, ALJ:**

**STATEMENT OF THE CASE**

Per the transmittal, petitioner "challenges respondent's actions related to restrictions imposed on petitioner's access to school property."

## **PROCEDURAL HISTORY**

On or about September 30, 2025, petitioner A.T.-L. filed a Pro Se Petition of Appeal (Petition) and a motion for emergent relief.

The Department of Education 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 office, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the rules of procedure established by the Department of Education to hear and decide controversies and disputes arising under school laws, N.J.A.C. 6A:3-1.1 to -1.17. Jurisdiction to hear and decide controversies arising under school laws is conferred under N.J.S.A. 18A:6-9. The case was filed at the Office of Administrative Law (OAL) on October 1, 2025.

On October 8, 2025<sup>1</sup>, respondent Philip's Academy Charter School filed a letter brief and two certifications of Dwayne Davis—one dated April 2, 2025 with fifteen exhibits<sup>2</sup> (April 2025 Certification) and one dated October 8, 2025, with twenty-eight exhibits (October 2025 Certification), in opposition to petitioner's motion for emergent relief.

## **FACTUAL DISCUSSION**

The petitioner's Motion for Emergent Relief states as follows:

1. On February 5, 2025, my ex-husband and I were subjected to unlawful restrictions imposed by Dr. Davis, CEO of Philips Academy Charter School, including denial of access to her child, school

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<sup>1</sup> Filed October 8, 2025 at 6:19 p.m./6:21 p.m.

<sup>2</sup> Exhibits A—P were referenced/attached, with the exception of Exhibit K, which was not referenced or attached. (Exhibit I includes Ia, Ib and Ic and Exhibit N includes Na, Nb, Nc and Nd.)

meetings, and related school activities, including board meetings.

2. These restrictions have been continued without due process, causing irreparable harm to me and [R.L.] and our daughter, including emotional distress, disruption of educational access, and ongoing retaliation.
3. I have filed a timely appeal regarding the unlawful restrictions, but absent emergent relief, the harm will continue and intensify, particularly impacting the child's well-being and access to education.
4. Pursuant to *Crowe v. DeGioia*, 90 N.J. 126 (1982), emergent relief is warranted when:
  - There is a likelihood of irreparable harm if relief is not granted immediately;
  - There is a clear legal right to the requested relief as the abuse of power is remarkable where we can't even walk on the sidewalk;
  - The balance of harms favors granting the relief; and
  - Granting the relief serves the public interest, including protecting a child's right to education and equal treatment just as her peers.
5. I am respectfully requesting that this Office:
  - a. Immediately stay the enforcement of all restrictions imposed on me and my ex-husband regarding access to our child and school activities, board meetings, parent teacher conferences etc;
  - b. Order the school to allow my ex-husband and I full parental access pending the outcome of the appeal; and
  - c. Grant any other relief that the Court deems just and appropriate to prevent ongoing harm.

WHEREFORE, Appellant respectfully requests that this Court grant emergent relief pending appeal.

#### **LEGAL STANDARD**

Where authorized by law and where irreparable harm will result without an expedited decision granting or prohibiting some action or relief connected with a contested case, emergency relief pending a final decision on the whole contested case may be ordered upon the application of a party. N.J.A.C. 1:1-12.6(a). With respect to school laws in particular, the Commissioner has jurisdiction to hear and determine all controversies and disputes arising under school laws, except higher education, or under the rules of the State board or of the Commissioner. N.J.S.A. 18A:6-9. Where 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.S.A. 6A:3-1.6(a). A motion for a stay or emergent relief must be accompanied by a letter memorandum or brief which must address the following standards to be met for granting such relief pursuant to Crowe v. DeGioia, 90 N.J. 126 (1982):

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

[N.J.S.A. 6A:3-1.6(b).]

### **DISCUSSION AND CONCLUSIONS OF LAW**

A.T.-L. seeks an emergent order to “stay the enforcement of all restrictions imposed on [petitioner] and [her] ex-husband regarding access to [their] child and school activities, board meetings, parent teacher conferences etc” and “to allow . . . full parental access pending the outcome of the appeal.” Petitioner argues that the parents “were

subjected to unlawful restrictions imposed by Dr. Davis, CEO of Philips Academy Charter School, including denial of access to [their] child, school meetings, and related school activities, including board meetings,” and that the restrictions are “causing irreparable harm to” the parents and student, “including emotional distress, disruption of educational access, and ongoing retaliation,” and that “the harm will continue and intensify, particularly impacting the child's well-being and access to education.” Conversely, respondent argues that petitioner cannot satisfy any of the required elements under the law to obtain injunctive relief. More specifically, respondent argues that petitioners have no likelihood of success on the merits because petitioners have acted in a threatening manner towards the school environment, despite repeated warnings,” that “L.L. is not threatened with irreparable harm since her education is uninterrupted,” and that “the balancing of the equities weigh in favor of denying of emergent relief.”

Irreparable harm is harm that cannot adequately be redressed by monetary damages. Crowe, supra, 90 N.J. at 132-33. Emergent relief should not be ordered except when necessary to prevent substantial, immediate and irreparable harm. Subcarrier Communications, Inc. v. Day, 299 N.J. Super. 634, 638 (App. Div. 1997). The Petition alleges that the restrictions started in February 2025, but it is noted that some restrictions predated February 2025, and A.T.-L. did not file the Petition or the motion for emergency relief until September 30, 2025. Petitioner argues that L.L. is worried about being disenrolled or that her parents will be arrested, but it is unlikely that either scenario would occur if the parents are in compliance with residency laws and are not on school property. Petitioner alleges violation of N.J.S.A. 18A:36-19, relative to the right of the parent or guardian to be supplied with full information about the pupil, but at this juncture it does not appear that the parent is being denied access to any pupil records. Petitioner alleges violation of the Open Public Meetings Act (OPMA), which charter schools are required to comply with pursuant to N.J.S.A. 18A:36A-6. However, at this juncture it likewise does not appear that the parent is being denied access to respondent's board meetings, as participation remotely via Zoom is available. L.L. is able to attend school, and her parents are “able to communicate with designated staff virtually or via phone.” See October 2025

Certification. Additionally, it does not appear that parent is being denied access to any “public” sidewalk that is not on school property.

L.L. was enrolled at the school in January 2023. Davis’s April 2025 Certification references A.T.L.’s “insults to staff” and “menacing conduct, multiple complaints from parents,” including an April 19, 2024 parent-complaint, an October 14, 2025 parent-complaint/police report that A.T.-L. had threatened her children, a January 10, 2025 parent-complaint that R.L. “confronted a student in the parking lot who was allegedly engaged in a conflict” with L.L. and that “the parents are aggressive,” and certified that A.T.-L. “confronted a staff member during the holiday show.” See April 2025 Certification, Exhibits Nb, Nc and Nd. Davis’s October 2025 Certification certified that A.T.-L. criticized staff in “a particularly accusatory, degrading and, at times, defamatory manner,” and had filed “dozens of complaints under the New Jersey’s Harassment Intimidation Bullying Law” and “11 Affirmative Action Complaints”—which were “investigated and found to lack merit.” Davis’s October 2025 Certification additionally references a May 7, 2024 parent-complaint that [A.T.-L.] was waiting for her and followed when she drove away, and a January 13, 2025 parent-complaint that the complainant’s son fears for his life because L.L.’s parents approach him and humiliate him. See October 2025 Certification, Exhibits C and H.

L.L. is not being denied access to school, her parents are not being denied access to her school records, and they are able to communicate with the school regarding L.L., and they are able to participate remotely in meetings via Zoom. The motion for emergent relief reflects no imminent need or reason for the parents to be present inside the school or on school property pending resolution of the Petition. I **CONCLUDE** that petitioner has failed to establish irreparable harm warranting emergent relief.

Additionally, petitioner’s February 7, 2025, email states that she has filed “more than 100 Affirmative Action Complaints, more than 50 HIB [Harassment, Intimidation and Bullying] Complaints, several police reports alongside countless emails as it relates to the

orchestrated lies against me, my daughter and my husband<sup>3</sup>.” It is noted that there is a January 2023 Superior Court Order which reflects that “all civil actions and/or criminal citizen’s complaints hereinafter filed by [A.T.-L.], pro se, are to be reviewed by an Assignment Judge of the Superior Court, as soon as practicable after being filed but before service is effectuated on an party, with the Assignment Judge of the Superior Court having the responsibility, for good cause, to sua sponte dismiss any patently frivolous or non-meritorious civil action and/or criminal citizen’s complaint.” See April 2025 Certification, Exhibit M. Of significant concern is the Statement of Reasons accompanying the February 24, 2023 Order of the Honorable Ernest M. Caposela, A.J.S.C. Based upon the extensive history of school incidents, there is potential for further disruption of school operations, parent-complaints, and police response if the emergent relief is granted. Accordingly, I further **CONCLUDE** that when the equities and interests of the parties are balanced, the petitioner cannot demonstrate that she will suffer greater harm than the respondent.

In order to prevail on an application for emergent relief, a petitioner must meet all four conjunctive prongs set forth in Crowe. Since petitioner has failed to do so, I **CONCLUDE** that the application for emergent relief should be denied. The facts should be fully developed at an evidentiary hearing, which will afford an opportunity to assess the credibility of any witnesses and weigh the testimony and evidence presented.

### **ORDER**

It is hereby **ORDERED** that the petitioner’s motion for emergent relief is **DENIED**. It is noted that the file does not contain an answer from respondents. Accordingly, it is **ORDERED** that an answer should be filed in accordance with the Uniform Administrative Procedure Rules. It is further **ORDERED** that a telephone prehearing conference is hereby scheduled for October 22, 2025 at 3:30 p.m. to address procedures and to establish a motion schedule and/or hearing dates.

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<sup>3</sup> The February 7, 2025 email refers to R.L. as her “husband,” but the Petition refers to R.L. as her ex-husband.



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

October 14, 2025



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DATE

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**KELLY J. KIRK, ALJ**

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