

148-26E  
OAL Dkt. No. EDU 05159-26  
Agency Dkt. No. 116-03-26

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

Kenneth Simmons and Corey Teague,

Petitioners,

v.

Paterson Board of Education, Passaic County, and  
Dr. Laurie Newell, Superintendent,

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 petitioners have 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 petitioners' application for emergent relief is adopted. 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: April 28, 2026  
Date of Mailing: April 29, 2026



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

**ORDER DENYING**

**EMERGENCY RELIEF**

OAL DKT. NO. EDU 05159-26

AGENCY DKT NO. 116-03-26

**KENNETH SIMMONS AND  
COREY TEAGUE,**

Petitioners,

v.

**PATERSON BOARD OF EDUCATION,  
PASSAIC COUNTY, AND DR. LAURIE  
NEWELL, SUPERINTENDENT,**

Respondents.

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**Kenneth Simmons**, petitioner, pro se

**Corey Teague**, petitioner, pro se

**Ramon E. Rivera, Esq.**, for respondent (Antonelli Kantor Rivera PC, attorneys)

Record Closed: April 6, 2026

Decided: April 7, 2025

BEFORE **PATRICE E. HOBBS**, ALJ:

## **STATEMENT OF THE CASE**

Petitioners Kenneth Simmons and Corey Teague seek an emergent order enjoining the Paterson Board of Education and Superintendent Dr. Laurie Newell (the Board and, collectively, respondents) from discontinuing the choice programs operating at Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy because they have failed to obtain the proper approvals in violation of N.J.A.C. 6A:26-7.5. Are petitioners entitled to emergency relief? No. Petitioners must prevail on all four prongs of N.J.A.C. 1:1-12.6 to obtain emergent relief. Crowe v. DeGioia, 90 N.J. 126 (1982).

## **PROCEDURAL HISTORY**

On March 31, 2025, petitioner filed a request for emergent relief to prevent the Paterson Board of Education (respondents) from closing four choice schools within the Paterson Public School District (the District) with the Office of Administrative Law (OAL) for a hearing as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On April 6, 2026, respondents submitted a certification of Dr. Laurie Newell and a certification of Cheryl Williams. On April 6, 2026, I held a hearing, and, on that date, I closed the record.

## **FINDINGS OF FACT**

Based upon the testimony the parties provided and my assessment of its credibility, together with the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following **FACTS**:

Kenneth Simmons is a member of the Board and resides in Paterson. Corey Teague is a member of the Board and resides in Paterson.

On September 12, 2007, the Board prepared and approved a Long-Range Facilities Plan (LRFP). The Board engaged in a public planning process that included presentations, opportunities for public comment, and community input. The LRFP was

submitted and approved by the New Jersey Department of Education (DOE). The LRFP guides the strategic reconfiguration and repurposing of school buildings to improve operational sustainability, efficiency, and equity. The LRFP outlined that there was sufficient capacity with the configuration and that there would not be a facilities shortage or reliance on temporary facilities.

On August 19, 2015, the Board approved the submission of an amendment to the LRFP, which included the discontinuation of the Choice Programs that are operated by the District at the Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy. The LRFP outlined the discontinuation of the choice programs, the new school model, and that the facilities housing the programs will be repurposed for other educational or operational uses under a facilities plan. The facilities plan will be developed by the administration, presented to and approved by the Board.

On May 2, 2016, the DOE approved the amendment to the LRFP, which would be implemented between 2015 and 2020.

On June 17, 2020, the Board approved DMR Architects to perform a demographic analysis and redistricting plan for the students in the attendance zone for the new middle school.

On December 16, 2020, the new redistricting plan was presented to the Board, and on July 19, 2021, the Board approved these submissions to the DOE for approval.

On August 25, 2021, the DOE approved the Board's amendments to the LRFP. On April 6, 2022, the redistricting recommendations were included in the Strategic Plan Update and were presented to the Board. The redistricting measures included the development of a new middle school, which would result in a realignment of grade levels in the adjoining school zones. This would include Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy.

On January 23, 2026, the District notified the parents of students registered at Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men’s Leadership Academy that their students will return to their assigned neighborhood schools for the 2026–2027 school year under the LRFP. These students will be reassigned to their designated neighborhood schools effective September 1, 2026.

The Board approved Phases 0, 1, and 2 of the LRFP. On April 1, 2026, the Board approved the school reconfigurations, student reassignments, program discontinuations, and facility repurposing. (Cert. of Williams, Ex. A). The resolution approved Phase 3 of the LRFP and reorganization of the District’s schools and considered the reassignment of the students. The resolution affirmed that the Board considered student transportation, travel time, safety, and access to programming. The resolution also affirmed that the Board considered the effects of staffing adjustments and the educational and operational objectives and determined that the reconfiguration is rationally related to legitimate educational and operational objectives.

The resolution also affirmed that the Board determined that the reconfiguration expanded the bilingual education programs to serve the multilingual student population and that the reassignment would not produce, sustain or contribute to unlawful segregation.

### **CONCLUSIONS OF LAW**

Emergent relief may be granted “where authorized by law and where irreparable harm will result without an expedited decision granting or providing some action or relief connected with a contested case. . .” N.J.A.C. § 1:1-12.6(a). N.J.A.C. 6A:3-1.6(b) codifies the standard for injunctive relief set forth in Crowe v. DeGioia, 90 N.J. 126 (1982), which states that (i) the petitioner will suffer irreparable harm if the requested relief is not granted; (ii) the legal right underlying the petitioner’s claim is settled; (iii) the petitioner has a likelihood of prevailing on the merits of the underlying claim; and (iv) 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. See also Crowe v.

DeGioia, 90 N.J. 126 (1982). The applicant shoulders the burden of satisfying all four prongs of this test by clear and convincing evidence. Crowe, 90 N.J. at 132–34.

### **Irreparable Harm**

Irreparable harm has been defined as harm that cannot be redressed by monetary damages. Crowe, 90 N.J. at 132–33. The petitioner must make a “clear showing of immediate irreparable injury” or a “presently existing actual threat.” Cont’l. Grp., Inc. v. Amoco Chems. Corp., 614 F. 2d 351, 359 (D.N.J. 1980).

Petitioners argue that they will suffer irreparable harm because the closure of the schools will force the students of these higher-performing choice schools into demonstrably lower-performing schools in the district, which will cause academic disruption. Respondent argues that there is no immediate injury because there is no school closure, that the Board is reconfiguring schools, reassigning schools, and repurposing facilities under an LRFP, which was presented to and approved by the Board.

Petitioners have failed to identify any harm that they will suffer if their motion is denied. For example, petitioners allege that children will suffer irreversible academic disruption but have failed to provide any proof of such academic disruption. In fact, they have not shown that any of the children who will be enrolled in other schools within the district will suffer any harm. Petitioners have not presented any evidence to show that the other schools in the District will not provide the same or substantially similar education.

Petitioners have alleged that the parents of the students in the District have stripped the parents of education choice. Respondents state that the students will be enrolled in the District based on geographical location, which is the standard in every District. Petitioners have also alleged that there was a lack of meaningful community engagement and destruction of established school communities. Respondents argue that the LRFP was presented at open public meetings, properly noticed, and formally voted on and approved by the Board. Respondents have provided the resolutions approved by the Board which contradicts the petitioners’ claims that the Board members and the

community had no input in the reconfiguring and redistricting measures that were implemented

I **CONCLUDE** that petitioners have failed to demonstrate that they will suffer any harm, let alone irreparable harm, if emergent relief is not granted because no evidence was presented to support such claims.

**The Legal Right is Settled and the Likelihood of Prevailing on the Merits**

The second consideration is whether the legal right underlying the petitioners' claim is settled, N.J.A.C. 6A:3-1.6(b)(2), and then third, the petitioners must make a preliminary showing of a reasonable probability of success on the merits. Crowe, 90 N.J. at 133.

The petitioners allege that the respondents violated the New Jersey regulations by failing to comply with N.J.A.C. 6A:26-7.5 and have usurped the authority of the Board and misapplied the LRFP.

Petitioners argue that under N.J.A.C. 6A:26-7.5, the District must submit a closure application to the DOE, a recommendation by the Executive County Superintendent, an approval from the Division of School Facilities, and a demonstration of capacity, feasibility, and a non-segregative impact study. Respondents agree on the steps required to close a school. Respondents argue, however, that the District is not closing any schools under N.J.A.C. 6A:26-7.5. Rather, the District is discontinuing programs that are operated by the District at the Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy and repurposing the buildings where the programs were held. The entire process of discontinuing the programs and repurposing of the buildings was detailed in the LRFP, presented to the Board, approved by the Board, presented to the DOE, and approved by the DOE. The petitioners did not present any evidence to show that the respondents usurped the Board's authority or that the Board is closing schools. The respondents argue that it is a reconfiguration of the schools, a discontinuation of the choice program, and a reassignment of students to other schools within the district.

For the above reasons, I **CONCLUDE** that the petitioners do meet the second and third prongs of the emergent relief standard.

### **Balance of Equities and Interests**

The final prong of the above test is whether the equities and interests of the parties weigh in favor of granting the requested relief to the petitioners. Petitioners state that the harm to the students is greater than the harm caused by delaying the closure of the schools at the Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy. The petitioners argue that the students are in limbo for future school registrations. Respondents argue that the students can and will be enrolled in neighborhood schools without any delay or interruption in education that they are obligated to provide, the reconfiguration supports the strategic expansion of bilingual education to better serve the multilingual student population, the Board considered transportation, safety and access to programming, and the reassignment is equitable and educationally sound.

Accordingly, I **CONCLUDE** that the equities and interests do not weigh heavily in favor of granting the petitioners' requested relief because no evidence was presented as to the specific harm the students would suffer if relief were not granted and respondents have shown that they are and will provide the education they are obligated to provide under the law, and that the reconfiguration and reassignment of schools, and repurposing facilities was completed under an LRFP that was approved by the Board and the DOE.

Since I concluded that petitioners have not met all four conditions set forth in Crowe, as codified in N.J.A.C. 6A:3-1.6(b), I **CONCLUDE** that petitioner is not entitled to emergency relief as requested, and the petitioners' request for emergency relief is **DENIED**.


### **ORDER**

Based on the above discussion and conclusions of law, the petitioners have not met the burden of establishing the right to emergent relief as they have failed to prevail

on all four factors of Crowe, and I **ORDER** that the petition for emergency relief is **DENIED**. The case will now be scheduled for plenary hearing on the underlying due process petition under a separate prehearing order.

This Order on application for emergency relief may be adopted, modified or rejected by the **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 **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.

April 7, 2026  
DATE

  
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**PATRICE E. HOBBS, ALJ**

Date Received at Agency: April 7, 2026

Date Mailed to Parties: April 7, 2026

**APPENDIX**

**Witnesses**

**For petitioner:**

Kenneth Simmons  
Corey Teague

**For respondent:**

None

**Exhibits**

**For petitioner:**

None

**For respondent:**

- R-A Board Resolution, dated April 1, 2026, to approve Phase 3 school reconfiguration, student reassignment, program discontinuation and facility repurposing
- R-B Board Resolution, dated July 19, 2021, to authorize the submission of the major amendment to the LRFP as prepared in conjunction with DMR Architects to the DOE
- R-C Letter from the DOE, dated August 25, 2021, approving the amendments to the LRFP