

New Jersey Commissioner of Education
Order on Emergent Relief

N.P., on behalf of minor child, V.P.,

Petitioner,

v.

Monmouth County Vocational School District
Board of Education, Monmouth 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.

The ALJ also concluded that there are no further disputes to be resolved, and that the petition should be dismissed as it encompassed no other substantive issues beyond the emergent relief sought. However, such an action is not appropriate as part of an Order on emergent relief, as N.J.A.C. 1:1-18.1(b) provides that decisions that are fully dispositive of all issues in the case are initial decisions. When an initial decision is issued, the parties have the opportunity to file exceptions pursuant to N.J.A.C. 1:1-18.4, but there is no such opportunity for the parties to take

exception to an Order on emergent relief. Without affording the parties that opportunity, the Commissioner finds that dismissal at this stage of the proceedings is inappropriate.

Accordingly, the recommended Order denying petitioner's application for emergent relief is adopted for the reasons stated therein. To the extent that the Order dismisses petitioner's claims, the Order is rejected. This matter shall continue at the Office of Administrative Law (OAL) with such proceedings as the parties and the ALJ deem necessary to bring it to closure.¹

IT IS SO ORDERED.



COMMISSIONER OF EDUCATION

Date of Decision: July 17, 2026
Date of Mailing: July 17, 2026

¹ If petitioner agrees that there are no further issues to be resolved, she may withdraw the underlying petition of appeal, and the matter may be returned to the agency. If petitioner does not withdraw the underlying petition, and the ALJ believes that dismissal remains appropriate, the ALJ may issue an initial decision that includes an explanation of petitioner's ability to file exceptions to that initial decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER ON

EMERGENT RELIEF

OAL DKT. NO. EDU 08978-26

AGENCY DKT. NO. 219-06-26

N.P. ON BEHALF OF V.P.,

Petitioner,

v.

MONMOUTH COUNTY VOCATIONAL SCHOOL

DISTRICT BOARD OF EDUCATION,

Respondent.

Noel Rivers, Esq., for petitioner (Rivers Law Firm, LLC, attorneys)

Isabel Machado, Esq., for respondent (Machado Law Group, attorneys)

BEFORE **JOHN K. MALONEY**, ALJ:

STATEMENT OF THE CASE

On January 27, 2026, V.P. applied to the Monmouth County Vocational School District (District) for participation in its Electricity Program but was denied participation because V.P. failed to submit all the required documentation. Must the District reconsider the application? No. Unless a school's action is arbitrary, capricious, without a rational

basis, or induced by improper motives, its decision to deny a student participation in a vocational program because of an incomplete application is deemed valid.

PROCEDURAL HISTORY

On January 27, 2026, petitioner N.P., on behalf of her son V.P., submitted an online application to the District's Electricity Program. On May 7, 2026, the District notified V.P. that he was not accepted into the program. On June 3, 2026, N.P., on behalf of V.P., appealed that determination to the Department of Education, Office of Controversies and Disputes, together with a motion for emergency relief. On June 4, 2026, the Office of Controversies and Disputes, transmitted the case to the Office of Administrative Law as a contested case.

On June 11, 2026, I held oral argument on the motion for emergent relief and closed the record.

FINDINGS OF FACT

Based on the documents submitted in support of and in opposition to the motion, I **FIND** the following as **FACT**:

V.P. is a homeschooled student. On January 27, 2026, V.P. applied to the District's Electricity Program. On January 25, 2026, N.P. emailed the District that her son was a homeschooled student and that she wanted "details on the application requirements, deadlines, and any additional step or documentation needed for homeschool applicants." Two days later, the District emailed N.P. that "[a]ll admissions processes are the same regardless of the type of school a student attends (public, private, homeschool)." Later that day, the District emailed N.P. that the "shared time application is currently open on our website. The deadline is March 22, 2026. Please see the following link for more information: <https://www.mcvsd.org/page/shared-time-admissions>."

On the website, under the “acceptance of pupils” section, it informs that applicants who are rising juniors that they will be given priority and that “[i]t is the applicant’s responsibility to request/send records.” (emphasis added). Further down the web page, under “acceptance criteria,” the district notes that “[f]actors of consideration will be: *complete application*, counselor recommendations, attendance, grades and current grade level. *It is the applicant’s responsibility to request/send records.*” (emphasis added).

Once V.P.’s application was submitted, received an email acknowledging receipt of the application and instructing the recipient “[t]o print the application checklist.” The district’s “application checklist” requests information ranging from the student’s name, the program to which he or she is applying, student ID number, resident school district, high school district, counselor and principal information, and information on absences and tardiness. It also requires parents or guardians to sign off on the checklist for “the release of the above applicant’s school records,” and instructs applicants to “forward the following documents... *as soon as possible or the student may not be eligible for admission.*” (emphasis added). The requested documents include all high school transcripts, attendance records, medical records, standardized test results, discipline records and 504Plans or IEPs. N.P. never completed or submitted the application checklist to the district. Her explanation was that the form was inapplicable to a homeschooled student.

On May 7, 2026, the District emailed N.P. that V.P. was not accepted into the program. That same day, N.P. emailed the District and requested that V.P. be added to the waiting list for the electricity program. The next day, the District responded and informed N.P. that “we did not receive [] [V.P.]’s records for consideration and we cannot accept students if the records are not received.” This was the first time that N.P. learned that V.P.’s application was incomplete. N.P. immediately responded. She asked, “[W]here did you request [] [V.P.]’s records because I never received any email to request transcripts from the school he is currently attending online.” Minutes later, N.P. requested reconsideration “because, after we submitted his application, none of the additional materials that would be necessary to make a proper determination of eligibility for a homeschool student were requested from us.”

Between submitting the application on January 27, 2026, and being informed that V.P. was not accepted into the program on May 7, 2026, N.P. took no actions and engaged in no communication with the District.

In her brief and during oral argument, petitioner stated, for the first time, that V.P.'s older sister attended a public school, had applied to the district's cosmetology program, and had been accepted and attended. Petitioner indicated that she was never required to submit any additional documentation to the district beyond the initial online application. The sisters required documentation such as transcripts, medical records, disciplinary records, standardized test results, etc., were apparently provided to the district by her school. Relying upon her prior experience with her daughter's application process, N.P. believed that the district would take the necessary steps to obtain the required documentation. I found petitioner to be honest and reliable.

One hundred and eighty-nine students applied to the electricity program. Only sixty were admitted. Three homeschooled students who applied to the district were accepted: two of them into the electricity program. The number of admissions (60) into the electricity program reflects the number of available workstations. This hard cap means that some students who failed to gain entry into the program are placed on a wait list.

CONCLUSIONS OF LAW

The criteria for emergent relief are set forth in N.J.A.C. 6A:3-1.6(b). The petitioner must demonstrate that V.P. will suffer irreparable harm, that the legal right underlying the claim is settled, that the petitioner has a likelihood of prevailing on the merits, and once the balancing of equities is made, that the petitioner will suffer greater harm if the requested relief is not granted. Crowe v. DeGioia, 90 N.J. 126 (1982). The burden of establishing each of these factors is by clear and convincing evidence. Brown v. City of Paterson, 424 N.J. Super. 176, 183 (App. Div. 2012).

Irreparable Harm

Relief should not be granted except “when necessary to prevent irreparable harm.” Crowe, 90 N.J. at 132. In this regard, harm may be considered irreparable if it cannot be adequately redressed by monetary damages, which “may be inadequate [due to] the nature of the injury or of the right affected.” Id. at 132-33. In other words, it has been described as “substantial injury to a material degree coupled with the inadequacy of money damages.” Judice’s Sunshine Pontiac, Inc. v. General Motors Corp., 418 F. Supp. 1212, 1218 (D.N.J. 1976) (citation omitted). The moving party bears the burden of proving irreparable harm. Brown, 424 N.J. Super. at 183. Additionally, more than the risk of irreparable harm must be demonstrated. Continental Group, Inc. v. Amoco Chemicals Corp., 614 F. 2d 351, 359 (D.N.J. 1980). The requisite for injunctive relief requires a “clear showing of immediate irreparable injury.” Id. (citation omitted).

V.P. is a rising junior. The Electricity Program is a two-year program. If students do not begin the program in their junior year, they cannot complete the program prior to their graduation. Monetary damages cannot offset the loss of the program.

The District contends that when assessing irreparable harm, self-inflicted wounds are not irreparable, and only the injury inflicted by one's opponent counts. See Second City Music, Inc. v. City of Chicago, 333 F.3d 846, 850 (7th Cir. 2003); see also Ahlman v. Barnes, 2020 U.S. App. LEXIS 20801, *7-8 (9th Cir. June 17, 2020). Moreover, the question of whether an injury is readily avoidable and truly self-inflicted and, thus, not avoidable depends on the circumstances of the case. See Stuller, Inc. v. Steak N Shake Enterprises, Inc., 695 F.3d 676, 679 (7th Cir. 2012). In addition, the District further declares that parties cannot manufacture an emergency due to lack of diligence and then seek emergent relief to cure their non-compliance. See, e.g., Held v. Montana, 2025 Mont. LEXIS 1588, *2 (Supreme Court Dec. 23, 2025). The district’s arguments are not without merit.

Not altogether wrongly, the petitioner found the district’s checklist to be virtually inapplicable to a homeschooled student. However, it contained an all-important line for parents to sign and provide permission for the release of the applicant’s school records,

enumerated what documents needed to be submitted, and informed applicants that they bore the responsibility for requesting and submitting those documents. Although provided the checklist, N.P. never completed it, signed it, or submitted it. Petitioner argues that she provided the District with the name and contact information of her son's online school on the application, which is true. She expected that the District would contact the online school to obtain V.P.'s transcripts. However, the application did not provide any parental authorization for the District to actually do so.

Petitioner repeatedly argues that the District never contacted her after V.P. applied, and before the District rejected his application, to inform her that V.P.'s application packet was incomplete. During oral argument, Assistant Superintendent Sean Meehan telephonically provided an answer to my question regarding how many students applied this year to the District's various vocational programs: the answer was 1,031. It is unknown as to how many of the 1,031 applicants were rejected from consideration for incomplete applications. There could be many or V.P. could be the sole applicant. However, regardless of the number of rejections for incomplete applications, the District cannot be faulted for not corralling each applicant with an incomplete application and cajoling them to submit the requested documents. On numerous forms and websites, applicants are repeatedly informed that submission of the requested documents is their responsibility.

Petitioner describes the District's admissions process as "structurally impossible for a homeschooled applicant to complete." However, three other homeschooled students applied, successfully navigated the application process, submitted all requested documents (without apparent prompting), and were accepted into their vocational programs of choice. In fact, two of those three were accepted into the electricity program.

There is no doubt that V.P. will suffer great harm from the rejection from the program. During his high school career, there is likely no other opportunity to participate in his chosen program. However, the failure to take even the most modest of steps, such as completing and signing off on the checklist's authorization to obtain records or simply following up via email with the District admissions staff prior to the deadline for applications to ensure V.P.'s application was complete, is inexcusable. On multiple

documents and the website, the District informs applicants that they are responsible for requesting and submitting records. Unfortunately for V.P., these directions were disregarded because N.P. wrongly believed that the District would obtain the required records without any further actions on her part, because she had not been required to do so when her daughter applied previously.

Petitioner's unfortunate failures created the current situation. However, that said, the present situation is a textbook example of irreparable harm. V.P. is a rising junior. The program is a two-year program. Money will not compensate for the lost opportunity. Therefore, I **CONCLUDE** that petitioner has established irreparable harm by clear and convincing evidence and satisfied the first prong.

The Legal Right Underlying Petitioner's Claim is Settled

As to the requirement that the right to the underlying claim be settled, each school district is obligated to provide a thorough and efficient system of education to all children residing in its school district. N.J. Const. (1947), Art. VIII, ¶ 1; N.J.S.A. 18A:33-1. To carry out this policy, local boards of education have been granted discretionary authority. N.J.S.A. 18A:11-1(c) and (d). School boards adopt rules for the management of the public schools of their district.

N.J.S.A. 18A:54-20.1(a) and N.J.A.C. 6:43-3.11 provide that all New Jersey students have an independent entitlement to a vocational education, which is not limited to pupils enrolled in public school. Additionally, N.J.A.C. 6A:19-3.1(a)(3) requires that boards "establish admission requirements that include equity and access for all applicant." A county vocational school district must admit resident students based on board-approved policies and procedures that ensure equity and access for enrollment that is required to be posted on the school district's website. N.J.A.C. 6A:19-2.3.

Petitioner has failed to demonstrate that the legal right underlying her claim is well-settled. In fact, the law is well settled in favor of the District, which has broad discretion to take the actions needed to effectively operate its school. A determination by a local board may not be overturned in the absence of a finding that the action was arbitrary,

capricious, or unreasonable. See T.B.M. v. Moorestown Bd. of Educ., EDU 2780-07, Initial Decision (February 6, 2008) (*citing* Thomas v. Morris Twp. Bd. of Educ., 89 N.J. Super. 327, 332 (App. Div. 1965), *aff'd*, 46 N.J. 581 (1966)); see also J.M. v. Hunterdon Cent. Reg'l High Sch. Dist., 96 N.J.A.R. 2d (EDU) 415, 419 (*citing* Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288 (App. Div. 1960)).

Indeed, a tribunal, like the Commissioner, may not substitute its judgment for that of a board of education, whose exercise of its discretion may not be disturbed unless shown to be “patently arbitrary, without rational basis or induced by improper motives.” Kopera, 60 N.J. Super. at 294. Our courts have held that “[w]here there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached.” Bayshore Sewage Co. v. Dep’t of Env’tl. Prot., 122 N.J. Super. 184, 199–200 (Ch. Div. 1973), *aff’d*, 131 N.J. Super. 37 (App. Div. 1974). Thus, the actions of a board of education, which lie within the area of discretionary powers, cannot be overturned unless there is a showing that the action or process was arbitrary, capricious, without a rational basis, or induced by improper motives.

The District plainly states on its website and repeatedly includes in its application instructions that applicants are responsible for requesting and submitting the required supporting documents. The District’s application process was equally available to homeschooled students. The petitioner repeatedly argues that the District “materially misrepresented” the application process because in an email dated January 27, 2026, the District’s admissions staff stated that “[a]ll admissions processes are the same regardless of the type of school a student attends (public, private, homeschool).” Petitioner further claims, probably correctly, that other high schools submit the required records from the checklist on behalf of their students to the vocational district through an online portal without their students having to affirmatively act. In response, the District maintains that it never reaches out to the various local high schools to obtain the required records and that, if some high schools do so, it is a service that they choose to provide.

To her detriment and that of V.P., petitioner relied upon her past experience with the vocational school’s application process, wherein all she needed to do was submit the

application and her daughter's school took care of the rest. V.P., as a homeschooled student, did not have a school to handle the process for him. The District's application process was clear and applied evenly to all students. What was required and by when was explicitly stated, as was who was responsible for gathering and submitting the requested documents. There were no material misrepresentations of the process. The actions of the District were not arbitrary, capricious, without a rational basis, or induced by improper motives. Despite petitioner's accusations of material misrepresentations, intentional delays, false statements and deliberate strategies to run out the proverbial clock, there is no evidence of such actions, no evidence of underhandedness or any shenanigans on the part of the District.

Thus, I **CONCLUDE** that petitioner cannot satisfy the second prong.

Likelihood of Prevailing on the Merits

The failure to follow the application process; the absence of any outreach during the application process to ascertain if the District had the necessary records; the failure to submit the requested documents; and the failure to sign off on the authorization to permit the District to obtain V.P.'s records; all demonstrate that the petitioner has little likelihood of prevailing on the merits. Thus, I **CONCLUDE** that the third prong of the Crowe analysis is unmet.

Balancing of Equities and Interests of the Parties

When the equities are balanced, will the petitioner suffer greater harm than the District if the relief is not granted? I determined that the petitioner would suffer irreparable harm by not gaining admission to the vocational program of his choice, but that is not the only factor in determining the balancing of equities and interests.

If the petitioner prevailed and obtained the requested relief, V.P., based on his grades and academic performance, may likely be admitted into the program. However, the program can only admit sixty students into the electricity program. Thus, with V.P.'s belated entry into the program, a currently admitted student's participation would

terminate. Petitioner downplayed this eventuality by arguing that it is very likely that some admitted students will not attend the vocational program and some may move out of the county. This is probably true, but it fails to consider the domino effect of V.P.'s participation. For argument's sake, let us suppose five currently admitted students decide not to attend the electricity program. This would result in five students off the wait list gaining entry. However, because V.P. was added to the mix, the sixth student on the waiting list would be denied the opportunity. No matter how one figures it, someone does not get in, whether that be the sixty-first ranked student who is currently in or some would-be next-in-line student sitting on the wait list.

The District has a strong and valid interest in the effective and orderly operation of its application process and decisions. As the District has demonstrated, the application process is the same for all applicants. That process is uniformly applied to all applicants, and an exception here could undermine that process.

Although I entirely appreciate why petitioner and V.P. so strongly wish to attend the vocational program of his choice, the process was clear, open, and fair. Moreover, the harm to the District would be significant if the request is granted. For these reasons, petitioner cannot demonstrate a harm weighty enough to tip the balance in favor of a grant of extraordinary relief.

A balancing of the equities militates against granting the relief sought by the petitioner. The interests of this petitioner are no less weighty than those of the District, but not greater. Thus, as to the final Crowe factor – the balancing of equities and interests – I **CONCLUDE** that the two are in balance. Thus, the petitioner falls short and does not meet the final component of Crowe.

I additionally **CONCLUDE** that there are no further disputes to be resolved and the petition should be dismissed as it encompassed no other substantive issues beyond the emergent relief sought.

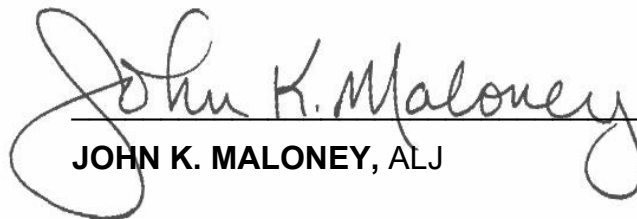
ORDER

I **ORDER** that petitioner's application for such relief is **DENIED**, and that this case is **DISMISSED**.

This order on application for emergency relief may be adopted, modified or rejected by the **COMMISSIONER OF THE NEW JERSEY STATE 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 NEW JERSEY STATE 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.

June 12, 2026 _____

DATE



JOHN K. MALONEY, ALJ

Date Received at Agency: _____

Date E-Mailed to Parties: _____

JKM/kl