451-26
OAL Dkt. No. EDU 05159-26
Agency Dkt. No. 116-03-26

New Jersey Commissioner of Education

Final Decision

Kenneth Simmons and Corey Teague,

Petitioners,

v.

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

Respondents.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the Paterson Board of Education (Board) has not closed the school facilities at issue because those facilities are continuing to serve educational purposes; therefore, the procedural requirements of *N.J.A.C.* 6A:26-7.5 regarding approval of school facilities closures do not apply in this matter. The Commissioner also agrees with the ALJ that the Superintendent implemented plans that were approved by the Board, and that the Board's actions were not arbitrary, capricious, or unreasonable.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.[1]

COMMISSIONER OF EDUCATION

Date of Decision: November 5, 2026
Date of Mailing: November 5, 2026

[1] This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
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.

Kenneth Simmons, petitioner, pro se

Corey Teague, petitioner, pro se

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

Record Closed: August 14, 2026 Decided: August 31, 2026

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

STATEMENT OF THE CASE

Petitioners, Kenneth Simmons and Corey Teague, seek to enjoin the Paterson Board of Education (the Board) and Superintendent Dr. Laurie Newell (collectively, respondents) from discontinuing the intra-district choice programming at four schools in the Paterson Public School District (the District) because the respondents have failed to obtain the proper approvals to close the school buildings where the programming is administered. Must the choice programming resume? No, a school district has broad discretion to determine programming and reassign students under N.J.S.A. 18A:11-1, and under N.J.A.C. 6A:26-7.5, school facilities are not closed if they continue to be used for any educational purpose.

PROCEDURAL HISTORY

On March 31, 2026, petitioners filed a request for emergent relief to prevent the respondents from discontinuing four choice programs and the facilities where they are administered within 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 on the emergent application. I denied the petitioner's request for emergent relief and scheduled the case for a plenary hearing. On June 9, 2026, petitioners and respondents filed motions for summary decision, and on July 2, 2026, respondents filed a cross-motion. On July 10, 2026, parties filed their oppositions to the motions. On July 28, 2026, I denied the motions for summary decision for lack of a complete evidentiary record. On August 10, 2026, I held a hearing. On August 14, 2026, post-hearing submissions were submitted, and, on that date, I closed the record.

FINDINGS OF FACT

Based upon the testimony the parties provided and my assessment of their 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. Simmons and Teague have been on the Board since at least 2020. Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy are schools comprised of intra-district choice programming of elementary and middle school grades operated in separate facilities by the District. These four schools are the District's highest-performing schools in math and reading proficiency.

Intra-District Choice Programming

Since 2023, Dr. Laurie Newell has been the superintendent of schools for the Paterson Board of Education. She has extensive experience as a school superintendent. When she arrived in Paterson, there was a significant shortage of over 100 certified teachers throughout the District. Many District students did not have access to certified teachers for many months at a time. The District is not an Interdistrict Choice District within the meaning of the Interdistrict Public School Choice Program Act of 2010. Distinctly, the District offers intra-district choice programs at Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir School and Young Men's Leadership Academy, wherein in-district students may apply to attend one of these schools despite the school existing outside of their neighborhood. The choice programs were for grades three through eight and provided courses in specialized areas. The class sizes were limited to fifteen students. At the time the choice programs began, the Alexander Hamilton Academy curriculum focused on critical thinking and essential social skills; the Renaissance School 1 curriculum focused primarily on the humanities; the Norman S. Weir School curriculum focused on culture and technology; and the Young Men's Leadership Academy curriculum exclusively served male students. Currently, only the Young Men's Leadership Academy still provides a specialized curriculum. The remaining three schools have operated as regular public schools.

2007 Long Range Facilities Plan

On September 12, 2007, the Board approved a Long-Range Facilities Plan (LRFP) for the District. The Board engaged in a public planning process that included multiple

presentations, opportunities for public comment, and community input. The Board submitted the LRFP, and the New Jersey Department of Education (DOE) approved it. The LRFP guides the strategic reconfiguration and repurposing of school facilities to improve operational sustainability, efficiency, and equity. The LRFP outlined that there was sufficient capacity within the reconfiguration and that there would not be a shortage of facilities or reliance on temporary facilities. The LRFP outlined a reconfiguration of the elementary and middle schools and included plans for an elementary school cohort and a middle school cohort. The plans required that students attend their neighborhood schools.

2012 Amendment of the LRFP

The LRFP outlined a plan to reconfigure the public schools in the city. One of the major reconfigurations calls for three cohorts: an elementary school cohort model, a middle school cohort model, and a high school cohort model. These models create cohorts of students for each level: kindergarten through fifth grade, sixth grade through eighth grade, and ninth grade through twelfth grade. These cohorts foster a learning community for the students to strive academically and socially. The students would attend the cohort located in their neighborhood. Currently, there is significant inequity in accessing proper educational resources. The cohort would provide equal access for all students. The cohort is a positive improvement for the District. Simmons and Teague concur that these cohorts are a positive improvement for the District.

To facilitate the middle school cohort, the LRFP called for the reassignment of students. This included the reassignment of the students registered at the Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy, and the repurposing of those facilities for other educational purposes.

On June 17, 2015, the Board passed a resolution to raze, design, and rebuild School 3; raze, design, and rebuild School 20; raze, design, and rebuild School 11; and rebuild Don Bosco Middle School. The students from these three schools were

reassigned to the new middle school. These changes were fully outlined in the LRFP, which the Board approved.

2015 Amendment to the LRFP

On August 19, 2015, the Board approved the submission of an amendment to the LRFP, which included the discontinuation of the intra-district choice programs at the Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy. The LRFP also outlined the new middle school cohort model and the future use of the school facilities at Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy. The LRFP stated that those school facilities would be repurposed for other educational or operational uses under a facilities plan.

On May 2, 2016, the DOE approved the amendment to the LRFP (P-2), which would be implemented between 2015 and 2020. This amendment included additional information regarding three of the four schools. The amendment provided for the discontinuation of the leases at the Alexander Hamilton Academy and the Young Men's Leadership Academy and for the construction of new buildings at those locations. The amendment also provided for the demolition of the Norman S. Weir Academy and the construction of a new building on the site. The amendment stated that there was no proposed work for Renaissance School 1. The LRFP did not specify how the new buildings would be utilized.

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 21, 2021 (P-4), the Board approved the submission of these plans to the DOE for approval. At the time of the presentation, Commissioners Redmon and Hodges requested special meetings to discuss the discontinuation of the choice programming and to have input from the community. (P-13; P-14.)

2021 Amendments to the LRFP

On August 25, 2021, the DOE approved the Board's amendments to the LRFP. (P-1.) 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 necessarily included Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy. This amendment proposed that the Norman S. Weir Academy building be wholly demolished with a new building constructed on the existing site, that the Alexander Hamilton Academy building be disposed of or discontinued with a new building on this new or expanded site, and that there be system action renovations for School 1. This amendment made no mention of the Young Men's Leadership Academy. On August 19, 2022, the District purchased the building that was home to the Alexander Hamilton Academy. (P-12.) This building had previously been leased by the Board.

2022 Progress Report on the LRFP

On June 8, 2022, the Board was advised of the progress of the LRFP. Neil S. Mapp has served as the District's facilities officer since 2019. He oversees the infrastructure of the schools, custodial services, and capital projects and is responsible for the health and safety of the students. He testified that the creation of the middle school cohorts keeps the students in their neighborhoods, lessens the need for busing, and centralizes services to the schools. Currently, some schools are without or cannot accommodate labs. The cohorts solve this and other operational problems and allow students equal access to educational opportunities. When the Taub School was built, the District reassigned students without objection.

In implementing the middle school cohort model, Mapp, along with DMR Architects and Ross Haber Associates, presented updates to the Board. The updates stated that each student was geo-coded and assigned to their neighborhood schools. The neighborhood schools were then grouped in attendance areas, anchored by a middle school. The presentation informed the Board that all students would be assigned to an

attendance area. There were no exceptions for the students who attend the Alexander Hamilton Academy, the Norman S. Weir School, Renaissance School 1, and the Young Men's Leadership Academy to remain enrolled at those specific schools.

Mapp stated that there are standards set by the NJDOE that allocate twenty-four students per classroom. He also noted that some classrooms in the District have more than fifty students, and others, such as Young Men's Leadership Academy, have only five students in some classes. Each facility the District operates must have adequate personnel to operate the facility and the resources for classes and lunch. The cohorts create a more centralized location for the students and decrease the burden on an already overburdened District.

First and Second Reassignment of Students

On February 5, 2025, the Board was again advised of the progress of the LRFP. The Board was advised that the students in PS 3 would be reassigned based on their address. There were no objections to this reassignment. On March 11, 2025, the Board was again updated on the progress of the LRFP.

On June 4, 2025, the Board approved Resolution No. 3 (P-15), which provided for a reconfiguration of Schools 5, 8, 9, 23, and Dr. Hani Awadallah School as part of the multilingual programs in furtherance of the LRFP. Despite parent opposition, the District reassigned the students to the new middle school without further issue.

In 2025, there were 426 students enrolled at the Alexander Hamilton Academy; 197 students enrolled at Renaissance 1 school; 267 students enrolled at Norman S. Weir school; and 38 students enrolled at Young Men's Leadership Academy. There are currently 20,000 students in the District. For every school facility, the District must provide adequate administration, including teachers, catering and maintenance services. The District must provide the same services for all schools despite the attendance disparity. There are no out-of-district students enrolled at these schools.

Third Reassignment of Students

On January 23, 2026, the District notified parents of registered students at Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy that they will return to their neighborhood schools for the 2026−2027 school year. (P-8.) This letter notified parents that the redistricting was part of the middle school cohort plans and in alignment with the LRFP. The letter stated the change was to ensure equitable access to high-quality programs across all neighborhoods, improve operational sustainability and efficiency, and strengthen school communities.

On February 4, 2026, the Board held a workshop meeting. (P-14.) At this meeting, the Board presented a middle school update that included the redistricting of students. The Board advised that students at Alexander Hamilton Academy, Norman S. Weir School, Renaissance School 1, and Young Men's Leadership Academy would be reassigned to neighborhood schools. The Board also discussed discontinuing the choice programs at these schools. Several parents raised concerns about the reassignments. They also discussed that the same reassignment process had been done in 2025 and that, despite objections, it was completed.

On April 1, 2026, the Board, after already approving Phases 0, 1, and 2 of the LRFP, passed a resolution approving Phase 3. (P-10.) This phase included school reconfigurations, student reassignments, program discontinuations, and facility repurposing. The resolution affirmed the Board's consideration of many factors such as student transportation, travel time, safety, access to programming, and the effects of staffing adjustments and the educational and operational objectives. The Board determined the reconfiguration is rationally related to legitimate educational and operational objectives.

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.

On June 8, 2026, the Executive County Superintendent issued a letter to Newell requesting that the District suspend the closures of the Alexander Hamilton Academy, Norman S. Weir School, Renaissance School 1, and Young Men's Leadership Academy pending further review. (P-16.) On June 15, 2026, the Executive County Superintendent rescinded that letter. (P-17.)

The Alexander Hamilton Academy building will become the new home for Newcomers High School beginning in the 2027−2028 school year after renovations. If possible, the facility will be used for students as early as the 2026−2027 school year. The Renaissance School 1 building will be used as a preschool starting in September 2026. The Norman S. Weir School building will be used as a separate public school for special education programs in the District during the 2026−2027 school year. The Young Men's Leadership Academy building will be used as a testing site for the special education students starting in September 2026.

CONCLUSIONS OF LAW

Standing

Standing determines whether a party has a right to initiate a claim before a court or other tribunal. In Re Adoption of Baby T, 160 N.J. 332, 340 (1999). The litigant must have a sufficient stake and the likelihood that harm will fall upon them should they not prevail. Neu v. Planning Bd. of Twp. of Union, 352 N.J. Super. 544, 552 (App. Div. 2002). Standing is not automatic, and a litigant usually has no standing to assert the rights of a third party. Spinnaker Condo. Corp. v. Zoning Bd. of City of Sea Isle City, 357 N.J. Super. 105, 111 (App. Div. 2003). New Jersey has a liberal approach to standing. Decisions regarding BOE challenges echo this liberal rule. See Silverman v. Millburn Bd. of Educ., 134 N.J. Super. 253 (Law Div. 1975), aff'd, 136 N.J. Super. 435 (App. Div. 1975). In the case of taxpayers of a school district, standing may be found if they have a "'slight private interest, added to and harmonizing with the general public interest.'" Ridgewood Educ. Ass'n v. Ridgewood Bd. of Educ., 284 N.J. Super. 427, 432−33 (App. Div. 1995) (quoting Hudson Bergen Cnty. Retail Liquor Stores Ass'n v. Bd. of Comm'rs, City of Hoboken, 135 N.J.L. 502, 510 (E. & A. 1947)).

Here, petitioners bring this claim as "duly elected members of the Paterson Board of Education." However, the petitioners are also residents of Paterson. Because of the liberal standing threshold and their status as board members and residents, I **CONCLUDE** that the petitioners have standing to proceed in this case.

School Closings

A school board can "perform all acts and do all things, consistent with law and rules of the state board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district." N.J.S.A. 18A:11-1. This broad power gives the board the discretion to, within limits, change programming, and reassign and redistrict students as it sees fit. See N.J.S.A. 18A:11-1; Bd. Pol'y 5120.

However, when closing a school facility, a district must seek approval. In 2001, NJDOE proposed a new regulatory chapter, 6A:26, to implement the Educational Facilities Construction and Financing Act (EFCFA) and "consolidate, conform and update other rules relating to educational facilities in this State." 33 N.J.R. 1809(a) (June 4, 2001). The purpose of the EFCFA is to ensure adequate educational facilities in the State. See N.J.S.A. 18A:7G-2. In promulgating the new rules for the Act, NJDOE established a new rule for closing school facilities, N.J.A.C. 6A:26-7.5.

A school facility under N.J.A.C. 6A:26-1.2 is any structure, building, or facility used wholly or in part for educational purposes by a school district. Effectively, the permanent cessation of the use of the facility for educational purposes is a closure of a school facility.

To close a school facility, the school board must certify that the closing is consistent with the LRFP, that the District has sufficient school building capacity for the students for the five years after the school has been closed, or that the District has completed a feasibility study for the school closure. N.J.A.C. 6A:26-7.5(a). The school board must also request approval from the Department of Education Division of Administration and Finance (the Division) and have a recommendation from the Executive County Superintendent (ECS). N.J.A.C. 6A:26-7.5(b). The board must obtain this letter of approval from the Division before the school can be closed. N.J.A.C. 6A:26-7.5(c). The

Division must then notify the District in writing whether the schools have been approved for closure. N.J.A.C. 6A:26-7.5(d).

When read as a whole, the regulation establishes a procedure for the long-term, permanent closure of a facility that affects the broader district student population because of the termination of its educational purposes. See N.J.A.C. 6A:26-7.5(a) (requiring assurances that despite the closure, the district has sufficient capacity for five years, and assurances in the case of the abandonment of the building and the construction of a new one).

Petitioners argue that terminating the choice programming and reassigning students to neighborhood schools is a closure of a school facility that requires the District to comport with the closure regulations. They also argue that the LRFP does not authorize the District to close the facilities and that the termination of the four school codes evidences the closure.

Respondents argue that they are not closing the schools but rather discontinuing the programming and reassigning its students to neighborhood schools to adhere to the known middle school cohort model and reconfiguring the educational purposes of the four facilities.

It is undisputed that the Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy are school facilities operated by the District that house intra-district choice programs for students. It is also undisputed that the Board approved the LRFP and amendments establishing a change to a middle school cohort model. It is also undisputed that if a school facility closes, the Board must obtain the approval of the Division and the ECS. It is also undisputed that the Board does not need approval to solely discontinue choice programming. It is also undisputed that the Superintendent has broad discretion to assign students to different schools. Therefore, apart from the termination of the choice programming, the crux of this dispute is whether the four facilities are closing and whether their prescribed uses are for educational purposes.

In its case, the petitioners did not present any evidence or testimony that the four school codes would be terminated or that the four facilities would not be used for educational purposes. Respondents provided evidence that supports the four buildings' use for educational purposes.

Alexander Hamilton Academy. When the LRFP was approved, this building was slated to be repurposed. The second and third amendments called for the building to be demolished and a new building placed on site. The building, once leased, was purchased by the District. Mapp testified that after the reassignment of students, it is currently used for storage and will become the new site for the Newcomers High School. He and Newell stated that Newcomers High School is in dire need of this space and it will be an incredible improvement for them. The respondents anticipate that the site will be available for use, after some renovations have been made, for the 2027−2028 school year. If renovations are completed earlier, the students will be transferred. Because the regulation contemplates long-term closures that affect capacity for five years, it cannot be said that a temporary one-year or less rehabilitation of the building for continued use constitutes the same type of closure requiring approval. However, if the District is unable to keep the building operable for an educational purpose, then the District must comply with the regulations to close the facility. I **CONCLUDE** that the District has not closed this school building because it is being used, wholly or in part, for educational purposes within the next five years.

Renaissance School 1. When the LRFP was approved, there were no future plans proposed for the use of this school facility. The second amendment provided for system changes to this facility. Mapp and Newell testified that the facility is being utilized as a preschool for students within the District. I **CONCLUDE** that the District has not closed this facility, as it is being used wholly, or in part, for an educational purpose.

Norman S. Weir. When the LRFP was approved, this building was to be demolished, and a new building would be built on the site. Mapp and Newell testified that the facility is being utilized as a separate public school for the District's special education programs. Petitioners argue that the District must comply with the Individuals with Disabilities Education Act (IDEA) to create this separate public school. Whether the

District has complied with the IDEA to designate this school as a separate public school is not a claim under this petition and thus will not be addressed. The claim under this petition is whether the facility is being used for an educational purpose. I **CONCLUDE** that the District has not closed this facility, as it is being used wholly, or in part, for an educational purpose.

Young Men's Leadership Academy. When the LRFP was approved, this building was to be demolished and a new building constructed on the site. Mapp and Newell testified that the facility is being utilized as an evaluation and testing site for special education students. I **CONCLUDE** that the District has not closed this facility, as it is being used wholly, or in part, for an educational purpose.

To be clear, I **CONCLUDE** that the four schools, Alexander Hamilton Academy, Renaissance School 1, Norman S. Weir, and Young Men's Leadership Academy, are school facilities as defined by N.J.A.C .6A:26-1.2 and closing these facilities would require compliance with N.J.A.C. 6A:26-7.5. I further **CONCLUDE** that the Board is not closing these school facilities because these facilities are continuing to serve educational purposes and the procedural requirements required under N.J.A.C. 6A:26-7.5 are inapplicable. Therefore, I also **CONCLUDE** that petitioners' additional positions alleging impropriety of the closures are irrelevant because the schools are not closed.

Board Authority

Petitioners argue that Newell usurped the Board's authority by closing the schools without Board approval. It has already been established that the schools are not closed, but rather the choice programs were terminated. Petitioners' main contention is that in a January 23, 2026, letter to parents, the Superintendent terminated the programs without discussing the action with the Board or getting approval from the Board.

In 2007, the initial LRFP was proposed and approved by the Board. In 2015, the first amendment to the LRFP was approved by the Board, and in 2016, it was approved by the DOE. In 2020, the Board discussed the discontinuation of the programming offered at the four schools involved in this case, and the Board requested special meetings to

discuss this specific issue. No additional information was provided as to whether these special meetings were held or the outcome of those meetings. The meeting minutes from 2020, however, clearly demonstrate that the discontinuation of these programs would occur. In June 2020, the Board approved a demographic analysis performed by DMR Architects. In August 2021, the DOE approved the new redistricting plan. On April 1, 2026, the Board implemented Phase 3 of the redistricting plan.

Since her appointment as superintendent, Newell has kept the Board apprised of all developments and every phase of the middle school cohort model implementation. Board Policy 5120 provides the Superintendent with the authority to assign and reassign students. Despite any of the petitioners' misgivings about the January 23, 2026, letter, the Board had already approved the middle school cohort model and redistricting. Newell was simply moving forward with what was already approved. Moreover, on April 1, 2026, despite it being after the January 2026 letter, the Board reiterated its approval of Newell's actions to implement the reconfiguration.

Based on the above, I **CONCLUDE** that Newell has not usurped the Board's authority under N.J.S.A. 18A:11-1 because her actions did not require Board approval, and any actions that did were approved by the Board when it approved the LRFP, all its amendments, and the April 1, 2026, Resolution.

To be clear, I **CONCLUDE** that the Superintendent has broad discretion to determine specific programming offered to students under N.J.S.A. 18A:11-1 and Board Policy 5120 and to reassign the students within the District. I further **CONCLUDE** that the Superintendent has broad discretion to discontinue the choice programming at Alexander Hamilton Academy, Norman S. Weir School, Renaissance School 1 and Young Men's Leadership Academy and to reassign the students within the District. I therefore **CONCLUDE** that the Superintendent has not usurped Board authority in discontinuing choice programs or reassigning students within the District.

Board Action

While not entirely apparent, petitioners allege the Board's actions were arbitrary and capricious. Petitioners' primary arguments, however, are tailored to the actions of a school closing. As stated above, the four schools have not closed; however, the petitioners' allegations regarding the Board's actions deserve attention. Petitioners argue that the Board's actions are arbitrary and capricious because it did not consider current demographic analysis, and its actions contradict empirical evidence. The petitioners' express concerns about the cessation of the programs that achieve higher scores in math and reading proficiency and the vulnerability of students being reassigned to troubled schools. Petitioners also imply that the respondents may have discriminatory motives behind the reassignment of the students in the four schools and that the school system has failed them. Petitioners also allege a denial of due process for the families to be heard.

Despite the petitioners' misgivings about the end of the choice programming, the District has clearly stated that the reconfiguration of the schools is to ensure equitable access to high-quality programs across all neighborhoods, improve operational sustainability and efficiency, and strengthen school communities. The petitioners' appeal even reiterates that the four schools were only accessible to a select few who attended them, less than five percent of the District population. Yet these schools, as the respondents presented, have had better access to certified teachers and programming that was not available to the majority of the District students. The respondents presented evidence that the termination of the choice programming and the student reassignments were according to a long-known middle school cohort model plan that would enable the District to provide equal access for all the District students to certified teachers and better programming.

As for discriminatory intent, the petitioners have presented no evidence of discriminatory intent. The present reassignment of students is no different than the two prior reassignments, where there were no delays or objections from the Board. There is no evidence that the respondents expelled the students from the District or that the respondents prevented the students from enrolling at any other public school in the

District. Respondents' January 2026 letter informed parents of the reassignments as part of a planned reconfiguration and that parents needed to re-register their children for the 2026−2027 school year.

Petitioners' claims that the parents and students were not provided with an opportunity to be heard are without merit. Board meetings are open public meetings that were duly noticed. Many families were present at the board meetings, evidenced by the board meeting minutes presented in this case. Many parents openly voiced their displeasure at the reassignment of the students at issue here. Petitioners' main concern under their claim of a lack of due process appears to be related to the timeliness of the notice. Petitioners argue that where there is change in the enrollment of students, parents should have been provided with more than a few months' notice so that they could consider all their alternatives, including enrollment at private schools. Enrollment in anything other than a local public school requires sufficient advance notice and Newell's January 2026 letter fell far short of what petitioners would have preferred. While this may be a valid logistical concern, it is not required under any board policies or regulations. As the cohort model continues to unfold, Newell may want to consider providing more advance notice to the parents of the future reassignments.

Based on the above, I **CONCLUDE** that the Board's actions to end the intra-district choice programming and the reassignment of students to comport with a known middle school cohort model were not arbitrary and capricious. I further **CONCLUDE** that there is no evidence of discriminatory intent by the Board in its action to end the intra-district choice programming and in its reassignment of students. I further **CONCLUDE** that there was no denial of due process.

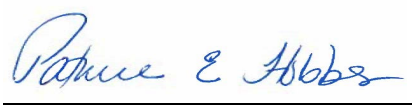
ORDER

Based upon the foregoing, it is hereby **ORDERED** that the petitioners' appeal is **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision 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. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.



August 31, 2026
DATE

PATRICE E. HOBBS, ALJ

Date Received at Agency: August 31, 2026

Date Mailed to Parties: August 31, 2026

APPENDIX

Witnesses

For petitioner:

Kenneth Simmons
Corey Teague

For respondent:

Neil Mapp
Dr. Laurie Newell

Exhibits

For petitioner:

P-1 NJDOE LRFP Approval Letter, dated August 25, 2021
P-2 NJDOE LRFP Approval Letter, dated May 2, 2016
P-4 Board Resolution No. 20, dated July 21, 2021
P-5 Board Resolution Approval Form, dated July 21, 2021
P-6 Petition for Appeal and Request for Emergent Relief, dated March 21, 2026
P-7 Redistricting Presentation, December 16, 2020
P-8 Superintendent Newell Letter, dated January 23, 2026
P-9 District Re-Registration Notices
P-10 Board Resolution 4-1-26/5, dated April 1, 2026
P-11 Board Policy 7130 School Closing
P-12 Alexander Hamilton Building Press Release, dated August 19, 2022
P-13 Regular Board Meeting Minutes, dated December 16, 2020
P-14 Workshop Meeting Minutes, dated February 4, 2026
P-15 Board Resolution No. 3, dated June 4, 2025
P-16 Executive County Superintendent Letter, dated June 8, 2026
P-17 Executive County Superintendent Rescission Letter, dated June 15, 2026

For respondent:

R-1 Long Range Facility Plan Updated July 2021

R-2 Recommended Attendance Zone Changes, dated December 16, 2020

R-3 Middle School Implementation Workshop Presentation June 8, 2022

R-4 Resolution, dated March 31, 2026

R-5 Repurposing District Facilities, dated June 3, 2026

The nonsequential numbering of exhibits reflects the fact that numerous pre-marked exhibits were neither identified nor offered into evidence.