



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION ON

EMERGENT RELIEF

OAL DKT. NO. EDS 02633-25

AGENCY DKT. NO. 2025-38610

A.L. ON BEHALF OF J.L.,

Petitioner,

v.

TRENTON PUBLIC SCHOOL DISTRICT,

BOARD OF EDUCATION,

Respondent.

A.L., on behalf of J.L., petitioner, pro se

James Rolle, Jr., Esq., for respondent

Record Closed: February 13, 2025

Decided: February 14, 2025

BEFORE **MAMTA PATEL**, ALJ:

STATEMENT OF THE CASE

Petitioner A.L. (Mom) on behalf of her adult child J.L., who has not attended Trenton High School since November 2022, alleges that a May 2023 incident at the school, without proof, caused him psychological trauma. Is J.L. eligible for emergent

relief? No. The petitioner must show they will suffer irreparable harm to receive emergent relief. Crowe v. De Gioia, 90 N.J. 126 (1982), codified at N.J.A.C. 6A:3-1.6(b).

PROCEDURAL HISTORY

On May 9, 2024, Administrative Law Judge Judith Lieberman issued a final decision in A.L. on behalf of J.L. v. Trenton Public School District, EDS 02615-23 (May 9, 2024), awarding J.L. compensatory education at Trenton Central High School for significant periods that J.L. missed school. The decision explicitly denies J.L.'s mother's request for J.L.'s out-of-district placement at Mercer High School. (R-9.) Judge Lieberman stated that Mercer High School was not an option since he failed to attend school while enrolled there. (Ibid.)

On February 5, 2025, A.L. filed a Request for Emergent Relief (the Emergent) with the Office of Special Education, seeking an out-of-district placement at the Mercer County Special Services School District (Mercer High School). Along with the emergent request, J.L. provided a notarized letter, signed on December 28, 2022, advising that he appointed A.L. as his guardian for educational and medical issues. The case was transmitted to the Office of Administrative Law on February 7, 2025, as a contested case under N.J.S.A. 52:14F-5(e), (f), and (g) and N.J.A.C. 1:6A-1 through 18.5. On February 13, 2025, I heard oral argument and closed the record.

FINDINGS OF FACT

Based on the arguments the parties submitted and my assessment of their credibility, together with the documents the parties submitted and my evaluation of their sufficiency, I **FIND** the following as **FACT**:

J.L. is twenty-two years old. His birthday is February 16, 2002. (R-1.) He turned twenty-one, the maximum eligibility age for special education, during the 2022–2023 school year. (R-1.)

J.L. is eligible for special education as a student with a disability under the classification category of “other health impaired.” (R-3.)

On February 19, 2019, Trenton School District placed J.L. at Mercer High School in the ninth grade. In March 2022, after significant periods of unexcused absences and an inability to reach J.L.’s mother, Trenton School District dropped J.L. from the school rolls. (R-9.)

In November 2022, Mom re-enrolled J.L. at Trenton High School. Although Mom requested that J.L. be placed at Mercer High School, the Individualized Education Program (IEP) team recommended that J.L. attend Trenton High School for the 2022–2023 school year. The IEP team’s recommendation was based on poor attendance at Mercer High School and because Trenton High School was closer to J.L.’s home. (R-9.)

On November 30, 2022, Mom signed the IEP and consented to its immediate implementation. J.L., however, did not attend school during the 2022–2023 school year. (R-9.)

On May 22, 2023, Mom wrote a letter to Hope Grant, assistant superintendent, informing her that while she and J.L. were at Trenton High School for a psychological evaluation, J.L. picked up some papers and began to tear them. An unidentified gentleman grabbed J.L. and threw them out of the school.¹ Mom claims that J.L. suffered psychological harm. (P-5; R-7.)

Mom took no further action regarding her complaint.

As required by Judge Lieberman’s order for compensatory education, on September 5, 2024, the child study team invited Mom and J.L. to a meeting at Trenton High School to discuss the newly developed IEP, which included bus transportation to and from Trenton High School.

¹ Mom also advised Judge Lieberman of the incident during the pendency of her petition before the Office of Administrative Law.

Specifically, the IEP provides special education services each school day for:

Language Arts Literacy

Mathematics

Science

Social Studies

During the meeting, Mom told the child study team that she did not believe Trenton High School was appropriate for J.L. and asked them to consider placing him at Mercer High School. Mom left the meeting without signing the IEP (R-2). Mom believes J.L. requires nursing services and close supervision throughout the day due to his medical diagnosis of Beckwith-Wiedemann Syndrome.

On September 12, 2024, Trenton High School sent Mom a copy of the IEP and notified her that her signature was unnecessary, and that the IEP would be implemented after fifteen calendar days.

On September 27, 2025, after the IEP implementation deadline expiration, Mom and J.L. returned to Trenton High School to meet with the child study team; however, the meeting was cut short because J.L. was disruptive.

At the meetings, both Mom and J.L. failed to sign the IEP.

Trenton High School only began providing bus service in January 2025. However, J.L. has not availed himself of the bus service. (R-6.)

J.L. has not attended Trenton High School since November 2022, has not participated in the 2024–2025 IEP, and has failed to avail himself of the remedy awarded for compensatory education by Judge Lieberman.

CONCLUSIONS OF LAW

The standards for granting emergent relief are outlined in Crowe v. De Gioia, 90 N.J. 126 (1982), and are codified at N.J.A.C. 6A:3-1.6(b). The petitioner bears the burden of proving all four prongs of the Crowe test stated below:

1. Petitioner will suffer irreparable harm if the requested relief is not granted;
2. The legal right underlying the petitioner's claim is settled;
3. Petitioner has a likelihood of prevailing on the merits of the underlying claim;
and
4. When the equities and the interests of the parties are balanced, the petitioner will suffer greater harm than the respondent will suffer if the requested relief is not granted.

Irreparable Harm

The moving party must satisfy all four requirements. Crowe v. De Gioia, 90 N.J. 126 (1982). The moving party must also prove each requirement "clearly and convincingly." Waste Mgmt. of N.J. v. Union County Utils. Auth., 399 N.J. Super. 508, 520 (App. Div. 2008).

Mom did not address any of the requirements outlined under N.J.A.C. 6A:3-1.6(b).

Mom does not believe Trenton High School has the appropriate services for J.L., and J.L. has expressed that he does not want to attend Trenton High School.

Here, the incident Mom complains about occurred in May 2023. Mom claims J.L. suffered psychological harm because of the incident but failed to provide any evidence that such damage was sustained. Mom did not offer any evidence of an actual present threat. Mom is simply using the incident in May 2023 as an excuse because she

disagrees with the placement. More importantly, J.L. has failed to attend Trenton High School since November 2022. In light of the above, I **CONCLUDE** that Mom has not met the burden of establishing that J.L. will experience irreparable harm by attending Trenton High School.

Because Mom did not prove the irreparable harm factor, and all four factors are required for relief, I **CONCLUDE** that Mom is not entitled to emergent relief under N.J.A.C. 6A:3-1.6(b).

ORDER

I **ORDER** that petitioner A.L.'s application for emergent relief on behalf of J.L. is hereby **DENIED**.

This order on application for emergent relief remains in effect until a final decision is issued on the merits of the case. If the parent or adult student believes that this order is not being fully implemented, then the parent or adult student is directed to communicate that belief in writing to the Director of the Office of Special Education. Since the parents requested the due process hearing, this case is returned to the Department of Education for a local resolution session under 20 U.S.C. § 1415(f)(1)(B)(i).

February 14, 2025

DATE

Date Received at Agency:

Date Mailed to Parties:

MP/jm



MAMTA PATEL, ALJ

APPENDIX

Witnesses

For Petitioner

A.L., parent

For Respondent

James Rolle, Jr., General Counsel, Trenton Public School District, Board of Education

Exhibits

For Petitioner

- P-1 Medical Report from Northwell Health, dated June 26, 2023
- P-2 Medical note from Mary Huang, Pediatric Nurse Practitioner, dated May 10, 2023
- P-3 Undated handwritten note from Dr. Taly Glaubach, M.D.
- P-4 Letter from A.L. to Judge Lieberman, dated May 19, 2023
- P-5 Letter from A.L. to Mrs. Hope Grant, dated May 22, 2023
- P-6 Medical note from Dr. Jon-Paul DiMauro, M.D., dated February 16, 2024
- P-7 Cancer Fact Sheet
- P-8 Request for Medical Accommodation on behalf of J.L., dated June 6, 2008
- P-9 Trenton Public School IEP Participant sheet, dated September 5, 2024
- P-10 Trenton Public School Meeting Attendance Form, dated September 5, 2024
- P-11 Notification of Placement, dated February 25, 2019

For Respondent

- R-1 Invitation to September 5 IEP meeting, dated September 4, 2024
- R-2 Trenton Public School IEP Participant sheet, dated September 5, 2024
- R-3 IEP for J.L.

- R-4 Notice from Trenton Public School, sending A.L. IEP, dated September 12, 2024
- R-5 Trenton Public School IEP Participant sheet, dated September 27, 2024
- R-6 Emails from James McMullen to Abdel A. Gutierrez, Director of Specialized Services, regarding bus services, dated January 23, 2025, through January February 7, 2025
- R-7 A.L.'s Petition for Emergent Relief
- R-8 Trenton Public School District, BOE Opposition, dated February 12, 2025
- R-9 A.L. o/b/o J.L. v. Trenton Public School District, EDS 02615-23, Final Decision (May 9, 2024)