



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER

DENYING EMERGENCY RELIEF

OAL DKT. NO. EDS 13473-25

AGENCY DKT. NO. 2026-39557

M.C. ON BEHALF OF L.V.,

Petitioner,

v.

MENDHAM TOWNSHIP

BOARD OF EDUCATION,

Respondent.

M.C., petitioner, pro se

Nathanya G. Simon, Esq. for respondent (Scarinci Hollenbeck, attorneys)

Record Closed: August 11, 2025

Decided: August 12, 2025

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

This matter arises under the Individuals with Disabilities Education Act, 20 U.S.C.A. §§1400 to 1482. On July 30, 2025, L.V. (Mom) filed a Request for Due Process Hearing and a Request for Emergent Relief against respondent, Mendham Township Board of Education (Board). Per the transmittal, the Request for Emergent Relief “seeks a temporary order for stay put and placement at Chatham Township Public Schools pending the resolution of due process.” The Office of Special Education (OSE) of the Department

of Education (Department) transmitted the Request for Emergent Relief to the Office of Administrative Law (OAL), where it was filed on August 4, 2025.

The Request for Emergent Relief included a July 29, 2025 letter, memorandum of law, Certification in Lieu of Affidavit or Notarized Statement of Mom, legal brief, Affidavit of [Mom], Statement Regarding FERPA and IDEA Violations, Immediate Demand for Educational Records under IDEA and FERPA, June 26, 2025 letter, and the following exhibits¹: Chatham IEPs from 2019, 2020, 2021 and 2022, October 2019 Educational Evaluation, October 2019 Psychological Evaluation, October 2019 Social Assessment, and 2019 Prescription Blank.

On August 6, 2025, the Board filed opposition to the petitioner's Request for Emergent Relief, consisting of a brief with nine exhibits and certification of Robert Koroski. Oral argument was held on August 8, 2025. During oral argument, Mom advised that she had attempted to file a reply to the Board's opposition but was unable to do so due to issues with her internet service provider. The record was held open and petitioner was allowed until August 11, 2025, at 10:00 a.m. to submit the same. No submissions were received from Mom, and the record closed on August 11, 2025.

The Request for Emergent Relief describes the nature of the emergent issues and any related facts as follows:

[L.V.] is a legally disabled child entitled to Special Education and Related Services under the category of Other Health Impaired due to a diagnosis of ADHD, Combined Type. She has been and is currently deprived of a Free Appropriate Public Education (FAPE) in violation of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and New Jersey Administrative Code 6A:14.

Her last known and legally binding IEP was developed and implemented by Chatham Township School District, where she received appropriate special education services tailored to her needs. Since her unlawful removal from her mother's

¹ It is not clear to which documents the various exhibits were to have been attachments. As such, Mom's exhibits are individually listed and not reflected as exhibits to any specific document.

custody in November 2022, [L.V.] has been illegally transferred to psychiatric and/or unknown institutional placements with no parental consent, no IEP team involvement, no documented change of placement procedures, and no prior written notices or legal notification to her mother.

[Mom] remains [L.V.'s] biological mother and retains legal custody of [L.V.]. Her rights have not been terminated. However, she has been completely barred from all access to educational meetings, records, decisions, and services. The student's current placement is being unlawfully concealed. [Mom] has received no notice of placement, no access to IEPs or evaluations, and no procedural safeguards.

[L.V.] is suffering irreparable educational harm, including regression, psychological trauma, and medical instability, while being excluded from IDEA-mandated protections. This is compounded by retaliatory legal actions taken against [Mom] for attempting to advocate for her daughter's rights. The family has been systematically excluded from all IDEA processes, in violation of parental participation requirements under 20 U.S.C. § 1415(b)(l), (d), and (f), as well as FERPA access rights under 34 CFR § 99 and § 300.613.

Despite urgent requests, no school district has taken responsibility for [L.V.'s] education, placement, or procedural protections. The refusal to identify the responsible district constitutes a continuing denial of FAPE, an unlawful change of placement, and a due process violation.

Petitioner's Request for Emergent Relief describes how the problem could be resolved as follows:

This matter can be resolved by IMMEDIATELY DISCLOSING [L.V.'s] CURRENT PLACEMENT AS MANDATED BY FEDERAL LAW restoring all federally protected educational rights to [Mom] as [L.V.'s] biological mother and legal parent under IDEA, Section 504, and FERPA. [Mom's] parental/legal rights have not been terminated by any court, and no legal order exists. Therefore, any IEP meetings, educational placements, or service decisions made without her participation are procedurally and substantively invalid under 20 U.S.C. § 1415(b)(l) and 34 C.F.R. § 300.322.

"Pursuant to 20 U.S.C. § 1415(b)(l), 20 U.S.C. § 1232g, and 34 C.F.R. §§ 300.613, 300.503, and 99.10, the District is legally required to immediately disclose [L.V.'s] current

educational placement, including school name, classroom, service provider information, and any residential or psychiatric setting where the child is located. Continued concealment constitutes an ongoing deprivation of parental access rights, a denial of FAPE, and a bar to enforcing 'stay-put' protections under 20 U.S.C. § 1415(i)."

Immediate disclosure of [L.V.'s] current educational placement, IEP status, and school district of responsibility.

Lawful, immediate and full reinstatement of [Mom's] participation rights under IDEA and FERPA, including her right to receive notices, access records, and meaningfully participate in all educational decisions.

Return to the last agreed-upon IEP placement at Chatham Township Public Schools, as required by the "stay-put" provision of IDEA, 20 U.S.C. § 1415(j);

A cease and desist order prohibiting Mendham Township School District or any other unauthorized entity from substituting unauthorized individuals (including [M.H.]) as parental decision-makers, in violation of 34 C.F.R. § 300.30 and 34 C.F.R. § 300.322;

Production of all records, notes, meeting attendee lists, and legal documents used to justify the exclusion of [Mom], including the IEP team's written notice (if any) regarding such exclusion under 34 C.F.R. § 300.503;

Referral to the NJDOE's compliance unit for investigation of procedural violations by Mendham Township School District and any school or agency that participated in decisions while excluding the parent.

This is not a good faith misunderstanding - Mendham Township and its officials acted with knowledge that their actions violated federal law. They continued to proceed with IEP meetings and decision-making processes while actively barring the child's lawful parent from access and substituting a private individual, [M.H.], who lacks any legal custodial status or rights under state or federal law. Attempts by [Mom], the lawful parent, were met with retaliation from school officials and local law enforcement in violation of federal law. These actions warrant immediate emergency relief and long-term corrective action. Pursuant to N.J.A.C. 6A:14-2.7(r) and IDEA 20 U.S.C. § 1415(i) ("stay put"), the following relief is sought:

1. Immediate disclosure of [L.V.'s] current placement, including:
 - School name, address, principal, IEP team members;
 - Dates of placement changes and authority relied upon;
2. Immediate removal from any current psychiatric or unknown non-educational placement unless lawful procedures under IDEA were followed;
3. Return to placement at Chatham Township Public Schools under the last agreed-upon IEP;
4. Production of all educational records under FERPA and IDEA including:
 - IEPs and 504 Plans;
 - Meeting notes;
 - Records of who attended meetings and decision-making processes;
 - All legal documents allegedly authorizing denial of access;
5. A finding that any exclusion or removal of [Mom] from IEP meetings, educational records, or placement decisions was unlawful;
6. An order that the NJDOE and/or ALJ investigate who is unlawfully exercising educational decision-making authority over [L.V.], and cease enforcement of any order that violates [Mom's] federally protected parental rights.

[L.V.] is a disabled child who has:

- Experienced trauma from psychiatric institutionalization;
- Been denied access to appropriate educational services;
- Been placed without parental consent or legal authority;
- Suffered medical and emotional regression;

Failure to act now will result in further irreparable harm to her mental health, education, and rights. Emergent relief is mandated under federal precedent.

Petitioner argues that L.V.'s stay-put is in the Chatham public schools and that she should be immediately returned to the Chatham public schools pending the due process hearing, because the last IEP signed by both Mom and Dad was in Chatham. Petitioner

also argues that L.V.'s current program and placement and all her educational records should be immediately disclosed to Mom by the Board.

Conversely, the District argues as follows: that petitioner has failed to satisfy the standards for emergent relief; that petitioner is not entitled to access to L.V.'s education records under state or federal law; that petitioner's request is barred by the statute of limitations; that Chatham is not the stay-put because the Chatham IEP was not the last agreed upon IEP; that the request should be dismissed because petitioner failed to name an indispensable party—Dad; and that the OAL lacks jurisdiction to grant the relief sought.

"Parent" means the natural or adoptive parent, the legal guardian, resource family parent when willing to so serve, a surrogate parent who has been appointed according to N.J.A.C. 6A:14-2.2, or a person acting in the place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare). N.J.A.C. 6A:14-1.3. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:14. Ibid. "Consent" means agreement in writing that is required by N.J.A.C. 6A:14. Ibid. Consent shall be obtained from "the parent having legal responsibility for educational decision making." Ibid.

While there is no evidence that Mom's parental rights were terminated, and she therefore would otherwise retain her rights under N.J.A.C. 6A:14, there are other factors—custody and restraining orders—that require consideration in this matter. Although petitioner contends that those orders are "unlawful," "fraudulent," or "void ab initio," petitioner cannot challenge the validity or enforceability of custody or restraining orders in this forum. The Office of Administrative law has no jurisdiction over such orders and unless and until the orders are modified or vacated by a court of competent jurisdiction, the orders are binding upon Mom and her Request for Emergent Relief.

Specifically, a November 4, 2022 Order to Show Cause (OSC), reflects that pending the December 22, 2023 return date, Dad was designated as "Parent of Primary Residence for the parties' two children . . . for all purposes including schooling," and was permitted "to transfer the children from Chatham to Mendham schools effective November 14, 2022." (See Respondent's Exhibit A.) The November 10, 2022 Order, is not signed,

and a subsequent order references instead an order entered on November 14, 2022 Order. (See Respondent's Exhibits B and C.) However, there were no exhibits submitted by either party which modify or vacate the November 4, 2022 Order. Further, the November 17, 2022 Order reflects, inter alia, the following: that Mom's "request to have the children immediately returned to their mother's legal custody and reenrolled in their schools in Chatham is DENIED;" that Dad "expended significant time and effort to ensure that the now completed transition the Mendham School District went as smoothly as possible;" that L.V. "is now enrolled in the Mendham Township Middle School ("MTMS") and her school schedule is said to be 100% compliant with the IEP established in the Chathams;" that "[t]he professionals at MTMS, in particular the Child Study Team, appear to be actively engaged in meeting [L.V.'s] needs;" that Mom's "request to have every order entered that allegedly improperly modified the parties' custody and parenting time agreement vacated is DENIED; and that Mom "demanded that the children no longer reside with her due to safety concerns," and "[t]he change in PPR designation was done at her request, a change she communicated to both the Chatham School District and the Morris County Family Division." (See Respondent's Exhibit C.) The November 27, 2023 Order reflects, inter alia, the following:

2. [Dad's] request for sole legal custody of the parties' two children, P.V. and L.V., is DENIED in part whereby the parties shall continue to share joint legal custody of their two children, and GRANTED in part whereby [Dad] shall have temporary sole decision-making authority for P.V.'s and L.V.'s health, safety, and welfare decisions regarding any and all psychiatric, psychological, other medical care, and/or dental care, until otherwise Ordered by the Court;
3. [Dad's] request to bar [Mom] from any and all contact, physical and/or electronic, with the children's medical professionals and with the children's school personell [sic] until otherwise Ordered by the Court is GRANTED unless these medical professionals or entities initiate the contact with [Mom];
4. [Dad's] request to bar [Mom] from going onto the children's school's property and the property of any medical professionals treating the children until otherwise Ordered by the Court is GRANTED;
5. [Dad's] request to suspend all of [Mom's] contact with the parties' children, including a suspension of supervised parenting time and all telephone or other electronic communication, pending both [Mom's] completion of a

psychological evaluation in accordance with paragraph six (6) of this Order and further Court Order, is GRANTED;

6. [Dad's] request to compel [Mom] to complete a Court appointed psychological evaluation that makes collateral contacts with the parties' children, [Dad], and other persons as deemed necessary by the evaluator, including but not limited to school personnel, medical professionals, family members, etc. is GRANTED whereby [Mom] must complete said evaluation, as previously Ordered by Judge Bogaard on January 4, 2023, within thirty (30) days of the date of this Order and, to the extent the evaluator finds it necessary to review DCP&P and/or the Court's Records on this matter, the evaluator may do so upon notifying the Court of the same with all documents being reviewed under an Order of Protection;

7. [Dad's] request to add P.V. and L.V. as protected parties under the Final Restraining Order that [Dad] has against [Mom] under docket number FV-14-19-22 is DENIED;

...

[Respondent's Exhibit E.]

A January 26, 2023 OSC, reflects that Mom was ordered to show cause on February 23, 2023, why an order should not be issued for certain relief, including, but not limited to: "[Dad] shall have temporary sole legal custody of both children," and "[Mom] is barred from contacting the children's school or any of their medical providers pending the results of her psychological evaluation and further Court Order." (Exhibit D.) The parties' exhibits did not include a February 23, 2023 order, but an Amended Final Restraining Order, dated May 6, 2025 (Amended FRO), reflects that Mom is barred from Dad's place of residence and employment, and prohibited from having any oral, written, personal, electronic, or other form of contact or communication with "M.H. (WIFE) [REDACTED] AND [REDACTED]²—CHILDREN SCHOOL AND MEDICAL PROVIDERS."

Based upon the foregoing, it is evident that Dad is the parent of primary residence for school and that he was legally authorized to transfer L.V. from Chatham to Mendham

² The Amended FRO is redacted and although it cannot be confirmed from this section of the Amended FRO that the redacted portion includes "L.V." and their other child, the Amended FRO elsewhere reflects that as of March 1, 2024, Mom was "barred from contacting the children's school and [Dad's] attorneys for anything other than providing copies of pleadings until further order of the Court," and "the children are hereby added as protected in the Final Restraining Order issued on October 6, 2022."

schools in 2022. Pursuant to N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22-3.1(a)(1), a student is eligible to attend a school district if he or she is domiciled within the school district, and a student is domiciled in the school district when he or she is the child of a parent or guardian whose domicile is located within the school district.

“Domicile” is defined as “the place where [a person] has his [or her] true, fixed, permanent home and principal establishment, and to which whenever he is absent, he has an intention of returning.” T.B.W. ex rel. A.W. v. Bd. of Ed. of the Township of Belleville, Essex County, 1998 N.J. AGEN LEXIS 122, Agency Dkt. No. 159-5/96, 1998 WL 668678 (N.J. Adm. June 18, 1998). As the court noted in Collins v. Yancey, 55 N.J. Super. 514, 520–21, 151 A.2d 68 (Law Div. 1959), a person may have several residences or places of abode, but only one domicile at a time. Id.

[D.L. v. Bd. of Educ. of Princeton Reg’l Sch. Dist., 366 N.J. Super. 269, 273–74 (App. Div. 2004).]

Based upon the November 4, 2022 Order, L.V. has not resided in Chatham since 2022, and she would therefore be ineligible to attend school in Chatham.

Additionally, Dr. Robert Koroski’s certification reflects, in pertinent part, the following:

1. I am employed by the Mendham Township Board of Education (the "Board") as Assistant Superintendent for Special Services. In such capacity, I have familiarity with all of the facts and documents relating to this matter.
2. I have reviewed the Request for Emergent Relief filed by Petitioner, docketed by the OAL as EDS 13473-25.
3. I have also reviewed the Board's Reply Brief and supporting exhibits and attest to their accuracy.
4. Based on the court orders referenced in the Board's Reply Brief as well as advice from the Board's General Counsel, I am prohibited from providing information to Petitioner regarding L.V.'s IEP program and placement.
5. However, I certify that L.V. has been provided an appropriate IEP since she enrolled in the Mendham

Township School District. The IEPs developed by the District staff have provided L.V. with a free appropriate public education in her least restrictive environment, and allowed her to make meaningful progress towards her IEP goals and objectives.

6. Throughout L.V.'s enrollment in the District, the District has complied with the substantive and procedural requirements of the IDEA and Administrative Code.

7. The District completed an Annual IEP Review Meeting during the 2024-2025 school year, and L.V.'s next Annual IEP Review Meeting is scheduled to occur during the 2025-2026 school year. The father, J.V., has participated in these meetings.

8. All of the IEPs developed by the District IEP team have been consented to by L.V.'s father, J.V. J.V. is L.V.'s father and has legal and physical custody of L.V., making him authorized to make decisions regarding L.V.'s education.

9. Petitioner has not been invited to participate in the IEP process because of the multiple court orders prohibiting her from contacting L.V.'s school.

[See Koroski Cert.]

Pursuant to N.J.A.C. 6A:14-2.7(s)(1), emergent relief may be requested according to N.J.A.C. 1:6A-12.1 and may be granted if the administrative law judge determines from the proofs 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 success on the merits of the underlying claim; and (iv) when the equities and interest 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. De Gioia, 90 N.J. 126 (1982). In order to prevail on an application for emergent relief, the applicant must meet all four prongs.

There is no dispute that L.V. is disabled and eligible for special education and related services. Mom alleges that L.V. "has been and is currently deprived of a [FAPE] in violation of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and New Jersey Administrative Code 6A:14" and the Request for

Emergent Relief is largely premised upon Mom's allegation that L.V.'s "last known and legally binding IEP was developed and implemented by Chatham Township School District," and therefore the "stay-put" would be Chatham.

Except in cases involving an alternative educational setting, during the pendency of any proceedings, unless the Board and the parents otherwise agree, a child shall remain in the then-current educational placement of the child. 20 U.S.C. § 1415(j). Mom's Request for Emergent Relief was filed in July 2025, and the various Superior Court orders and the Koroski Cert. reflect that L.V.'s district of residence is in Mendham, with Dad, and the Koroski Cert. further reflects that L.V.'s IEPs have been consented to and signed by Dad. The Superior Court orders reflect that Dad has the authority to have signed L.V.'s Mendham IEPs. Dad is the parent of primary residence for schooling and Dad was permitted by court order to transfer L.V. from Chatham to Mendham in November 2022. While the Chatham IEP referred to by Mom may have been the last IEP signed by both Mom and Dad, that does not render subsequent IEPs signed solely by Dad—as authorized by Superior Court orders—invalid, and there is no evidence that Dad has filed any petition with the Department alleging a denial of a free, appropriate public education (FAPE). Koroski, the District's Assistant Superintendent for Special Services, certified that L.V. has had IEPs since she was enrolled in Mendham and Dad has participated in the IEP meetings, and has consented to all IEPs developed by the IEP team. Accordingly, L.V.'s current educational placement is Mendham, not Chatham—since 2022.

Mom cannot satisfy any of the criteria for emergent relief. Mom challenges the appropriateness of L.V.'s current program and placement without having the current IEP or educational records, as access to L.V.'s educational records has been denied by the Board based upon the Superior Court orders and Amended FRO. Mom is presently prohibited from contact with L.V., her school, and her medical providers, and there is no evidence that Dad has alleged any denial of a FAPE. Mom argues that L.V. was "unlawful[ly] remov[ed]" from her custody in November 2022, and that the Superior Court orders are "fraudulent" or "void ab initio," and argues that the Amended FRO is the subject of a pending federal lawsuit, and she "fully expect[s] it will be adjudicated void and unenforceable." However, the fact remains the OAL has no jurisdiction over

custody or restraining orders and unless and until the orders are modified or vacated by a court of competent jurisdiction, the orders are binding. So, while generally L.V. is correct that unless parental rights have been terminated the parent retains all rights under N.J.A.C. 6A:14, Mom's rights in this instance have been limited by the various Superior Court orders and Amended FRO.

In view of the foregoing, it is hereby **ORDERED** that petitioner's request for emergent relief is **DENIED** in its entirety.

This order on application for emergency 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).

August 12, 2025



DATE

KELLY J. KIRK, ALJ

Date Received at Agency

Date Mailed to Parties:

am