State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER
DENYING EMERGENCY RELIEF
OAL DKT. NO. EDS 00713-26
AGENCY DKT. NO. 2026-40260

A.G. AND N.F. ON BEHALF OF A.J.G.F.[1],
Petitioners,
v.
MOUNTAIN LAKES BOROUGH BOARD OF EDUCATION
Respondent.

A.G. and **N.F.**, petitioners, pro se

Vittorio S. LaPira, Esq., for respondent (Fogarty, Hara, LaPira & Cherry, LLC, attorneys)

Record Closed: January 16, 2026 Decided: January 20, 2026

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

On or about January 12, 2026, A.G. (Mom) and N.F. (Dad) on behalf of A.J.G.F., filed a Request for Emergent Relief and due process petition against respondent,

[1] The transmittal reflects "A.G." rather than A.J.G.F.

Mountain Lakes Borough Board of Education (Board or District). Per the transmittal, the Request for Emergent Relief seeks "an order to temporarily attend and support student's IEP in-person 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 January 12, 2026.

The Request for Emergent Relief included a Certification in Lieu of Affidavit or [Notarized] Statement of N.F. and attachment. On January 15, 2026, the Board filed opposition to the petitioner's Request for Emergent Relief, consisting of a letter brief, Certification of Brad Siegel (Siegel Cert.) with one exhibit, Certification of Elizabeth Gonzalez (Gonzalez Cert.), Certification of Trish Spence-Reid (Spence-Reid Cert.), and Certification of Andrea Chapman (Chapman Cert.). On January 15, 2026, petitioners submitted twelve documents[2], and on January 16, 2026, petitioners filed a reply. Oral argument was held on January 16, 2026, and the record closed.

The CERTIFICATION IN LIEU OF AFFIDAVIT OR NOTORIZED [sic] STATEMENT OF PETITIONER SEEKING EMERGENT RELIEF (Petitioners' Certification) reflects that petitioners believe they are entitled to emergent relief because of "issues involving a break in the delivery of services," "issues involving disciplinary action, including manifestation determination, and determination of interim alternate educational settings," and "issues concerning placement pending the outcome of due process proceedings." The Request for Emergent Relief describes the nature of the emergent issues and any related facts as follows:

> This request seeks interim emergent relief pending final adjudication of a related Due Process Hearing request.
>
> The student is a child with disabilities protected under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities

[2] Emailed recordings (.mov documents) were not accepted as part of the record for oral argument.

> Act (ADA). The student's parents, [A.G.] and [N.F.], are the student's IDEA-recognized educational decision-makers.
>
> On or about September 12, 2025, the Mountain Lakes School District through its Superintendent imposed unilateral restrictions barring both parents from school property including attendance at school-based meetings, without notice, without charges, and without an opportunity to be heard.
>
> These restrictions have been enforced to:
>
> > Prohibit in-person attendance at IEP meetings;
> >
> > Restrict parental participation in educational decision-making;
> >
> > Chill and punish protected advocacy under IDEA and Section 504.
>
> In mid-December 2025, the District specifically ordered that an IEP meeting must be conducted virtually only, citing the access ban, despite the parents' objections and a pending due process dispute challenging the legality those restrictions.
>
> The District continues to enforce these access bans while the underlying due process matter remains unresolved, causing an ongoing denial of meaningful parental participation, interference with the IEP process, and immediate harm to the student's right to a Free Appropriate Public Education (FAPE).
>
> Absent emergent relief, the student will continue to suffer irreparable educational harm, as IDEA procedural violations cannot be cured retroactively.

The Request for Emergent Relief describes how the problem could be resolved as follows:

> Petitioner respectfully requests the following interim emergent relief pending final resolution of the Due Process Hearing:
>
> An immediate order suspending all parental access bans as they relate to IDEA-protected activities;

> Authorization for the parents to attend all IEP meetings in person;
>
> An order prohibiting the District from enforcing retaliatory or exclusionary measures against parents for protected advocacy;
>
> Maintenance of the student's current educational placement and services;
>
> Any additional interim relief deemed just and equitable by the Administrative Law Judge.
>
> This relief is necessary to preserve the status quo and prevent irreparable harm during the pendency of the due process proceedings.

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.

Petitioners argue that an emergent order should be entered as follows: suspending the parental access ban as it relates to IDEA-protected activities; authorizing the parents to attend all IEP meetings in person; prohibiting the District from enforcing retaliatory or exclusionary measures against parents for protected advocacy; and maintaining the student's current educational placement and services. Petitioners further argue that they meet all four prongs for emergent relief. Conversely, the District argues that petitioners do not meet any of the prongs for emergent relief and that the request for emergent relief should be denied.

Irreparable harm is harm that cannot adequately be redressed by monetary damages. Crowe, supra, 90 N.J. at 132-33. Emergent relief should not be ordered except when necessary to prevent substantial, immediate and irreparable harm. Subcarrier Communications, Inc. v. Day, 299 N.J. Super. 634, 638 (App. Div. 1997). The Request for Emergent Relief alleged the irreparable harm as "immediate harm to the student's right to a Free Appropriate Public Education (FAPE)" and "irreparable educational harm," but the parents' subsequent reply and argument included the inability to attend IEP and other meetings in person, as well as the inability to attend "junior college kickoff," and the "police escort" in support of irreparable harm. However, there is no evidence that the prohibition on the parents' entry upon school property is impeding the parents' ability to participate in the child's educational decision-making process, nor is there evidence that it is denying the student a FAPE. The Gonzalez Cert. reflects that an initial eligibility meeting for A.J.G.F.'s sibling (U.G.F.) was held virtually on October 16, 2025, and Mom attended and participated without any technical issues. (See Gonzalez Cert.) The Spence-Reid Cert. reflects that the annual IEP meeting for A.J.G.F. was held on October 27, 2025, and that both parents participated without any technical issues during the meeting. (See Spence-Reid Cert.) The Chapman Cert. reflects that consent forms were submitted and amendments made virtually to the IEP for A.J.G.F.'s sibling (O.G.F.) in September 2025, October 2025, and November 2025. (See Chapman Cert.) Additionally, the District advised the parents that the "junior college kickoff" event—which has already occurred—would be electronically recorded and sent to the parents. Further, it appears that the "police escort" referenced by the parents is the school's special law enforcement officer (SLEO) or school resource officer (SRO), who walks the student out to the parents because the parents are presently prohibited from entering upon school property to receive their children. The record herein does not support that this practice is stigmatizing, discriminatory, or a violation of law. Accordingly, I **CONCLUDE** that petitioners have failed to establish irreparable harm.

With regard to the parents' legal right being well-settled, while the IDEA and other laws afford certain rights and protections to parents and students, parents do not have a right to unfettered access to schools. Pursuant to N.J.S.A. 18A:20-20, the board of

education has full control over all lands, public playgrounds, and recreation places acquired or leased by it, pursuant to law, and may adopt suitable rules for the use thereof, and the conduct of all persons while on or using the same. A school board or a school administrator may ban a parent from school property due to misconduct, and the parent challenging the ban bears the burden of proving that the ban is unlawful, arbitrary, capricious or unreasonable. Given the extensive history of incidents, I **CONCLUDE** that the parents have failed to establish that the legal right underlying their claim is settled or a likelihood of success on the merits.

Finally, according to the January 8, 2026, letter and Siegel Certification, the parents have repeatedly ignored directives from school staff and the restrictions on their access to school property. The Siegel Cert. reflects that petitioners violated the prohibition against entry onto District property on several occasions, despite being afforded the opportunity to participate in their children's education planning virtually. While the parents dispute the allegations, the incidents detailed in the Siegel Cert. including those leading up to the prohibition and those thereafter are of significant concern, especially given the police intervention and that at least two incidents resulted in a school "shelter-in-place" order. The safety and security of the students and staff is paramount, and based upon the extensive history of incidents, there is potential for further disruption of school operations if the emergent relief is granted. Accordingly, I further **CONCLUDE** that when the equities and interests of the parties are balanced, the petitioners cannot demonstrate that they will suffer greater harm than the respondent.

In order to prevail on an application for emergent relief, a petitioner must meet all four conjunctive prongs set forth in Crowe. Since petitioners have failed to do so, I **CONCLUDE** that the application for emergent relief should be denied. There is no evidence of a break in the delivery of services, any current disciplinary action, manifestation determination or interim alternate educational setting involving the student, or any change or proposed change in placement. Accordingly, the facts should be fully developed at an evidentiary hearing, which will afford an opportunity to assess the credibility of any witnesses and weigh the testimony and evidence presented.

ORDER

It is hereby **ORDERED** that the petitioners' request for emergent relief is **DENIED**.

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).

January 20, 2026

DATE

KELLY J. KIRK, ALJ

am