



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

DENYING EMERGENCY

RELIEF

OAL DKT. NO. EDS 00986-26

AGENCY DKT. NO. 2026-40281

**MOUNT LAUREL TOWNSHIP
BOARD OF EDUCATION,**

Petitioner,

v.

A.P. AND C.P. ON BEHALF OF S.P.,

Respondents.

Emily E. Strawbridge, Esq., for petitioner (Parker McCay, P.A., attorneys)

A.P. and C.P., respondents, pro se

Record Closed: January 27, 2026

Decided: January 28, 2026

BEFORE **ADVIA KNIGHT FOSTER**, ALJ:

STATEMENT OF THE CASE

On December 15, 2025, respondents, A.P. and C.P., refused special education and related services under homebound instruction on behalf of their child. May petitioner, Mount Laurel Township Board of Education, be determined to have denied S.P. a free,

appropriate public education (FAPE)? No. If a parent refuses special education and related services on behalf of a student, the district board of education may not be determined to have denied the student a FAPE. N.J.A.C. 6A:14-2.3(c).

PROCEDURAL HISTORY

On January 16, 2026, petitioner, the Mount Laurel Township Board of Education (the district), filed a request for emergent relief and due process petition with the Office of Special Education (OSE). The OSE transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.4. On January 27, 2026, I held oral argument on Zoom due to a snow emergency and closed the record.

FINDINGS OF FACT

Based on the arguments the parties made at oral argument, together with the documents the parties submitted in support of and in opposition to the application for emergency relief, I **FIND** the following as **FACT** for purposes of this motion only:

S.P. is a nine-year-old student in the Mount Laurel school district and is eligible for special education and related services as a student with a disability under the classification category of “autism.” (Pet’r’s Ex. E.)

In October 2025, S.P. transferred to Fleetwood Elementary School. (Ibid.)

On December 8, 2025, S.P. suffered an injury to the left side of his face at school and his parents unilaterally removed him from school pending the outcome of an external investigation. (Pet’r’s Ex. B.)

On December 15, 2025, after receiving notice of S.P.'s removal, the district offered his parents homebound instruction, but they refused because they did not believe that their son was medically able to receive homebound instruction. They further advised that they would coordinate with S.P.'s case manager, Ms. Riley, to initiate instruction. (Ibid.) Parenthetically, S.P.'s parents provided no medical documentation that their son was medically unable to attend school, let alone receive homebound instruction.

On December 15, 2025, the district invited S.P.'s parents to an emergency IEP meeting, scheduled for December 17, 2025, to convert the school instruction to homebound instruction while S.P. was out of school, even in the absence of medical documentation that S.P. was medically unable to attend school. (Pet'r's Ex. C.)

On December 16, 2025, S.P.'s parents asked the district to reschedule the IEP meeting so they could care for their son. (Pet'r's Ex. D.)

On December 17, 2025, the district agreed to reschedule the IEP meeting and forwarded a draft IEP. (Ibid.)

On December 17, 2025, S.P.'s parents responded that if the meeting was to convert the school instruction to homebound instruction, they would not attend the IEP meeting. (Ibid.)

On January 5, 2026, the district filed this due process petition to compel the homebound instruction and served the petition on S.P.'s parents. (See Certification of Dr. Diane Willard.)

On January 9, 2026, the district invited S.P.'s parents to participate in a resolution meeting, offering several dates, but once again S.P.'s parents refused to participate in the coordination and receipt of special education and related services for their son. (Pet'r's Ex. F.)

CONCLUSIONS OF LAW

The standards for emergent relief are set forth in Crowe v. DeGioia, 90 N.J. 126, 132–34 (1982), and are codified in the New Jersey Administrative Code for Education, N.J.A.C. 6A:3-1.6. They are also set forth in the rules of the Special Education Program. N.J.A.C. 1:6A-12.1. Under those special rules, the judge may order emergency relief pending issuance of the decision in the case, if the judge determines from the proofs that:

1. The petitioner will suffer irreparable harm if the requested relief is not granted;
2. The legal right underlying the petitioner’s claim is settled;
3. The 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.

[N.J.A.C. 1:6A-12.1(e).]

Irreparable Harm

“Irreparable harm” is defined as the type of harm that “cannot be redressed adequately by monetary damages.” Crowe, 90 N.J. at 132–33. Indeed, the purpose of emergent relief is to “prevent some threatening, irreparable mischief, which should be averted until opportunity is afforded for a full and deliberate investigation of the case.” Id. at 132 (quoting Thompson ex rel. Bd. of Chosen Freeholders v. Paterson, 9 N.J. Eq. 624, 625 (E. & A. 1854)). The irreparable-harm standard contemplates that the harm be both substantial and immediate. Subcarrier Communications v. Day, 299 N.J. Super. 634, 638 (App. Div. 1997).

In this case, the district argues that the break in the delivery of services constitutes a denial of a FAPE, which in and of itself causes irreparable harm to the student. I agree. After December 8, 2025, S.P.’s parents unilaterally removed S.P. from school pending

the outcome of an external investigation over the injuries he sustained on December 8, 2025, and when the district offered homebound instruction, S.P.'s parents refused. (Pet'r's Ex. B) As a result, S.P. has not received any special education and related services since his parents removed him from school on December 8, 2025. On December 15, 2025, the district invited S.P.'s parents to participate in an emergency IEP meeting on December 17, 2025, to address the provision of special education and related services, but S.P.'s parents refused every offer. (Pet'r's Exs. C & D.) Since the removal of S.P. from school without any services is extremely disruptive to his academic and social development and cannot be addressed adequately by money damages, I **CONCLUDE** that such actions cause irreparable harm to S.P. and that the district has met its burden of showing this legal requirement.

The Legal Right is Settled, and the Likelihood of Prevailing on the Merits

The IDEA requires a school district to provide FAPE to all children with disabilities that are determined to be eligible for special education. 20 U.S.C. § 1412(a)(1)(A); N.J.A.C. 6A:14-1.1(b)(1). At the same time, parents are expected to be involved in their children's education services and actively participate in their child's IEP team, including providing consent for services. 20 U.S.C. § 1414(d)(1)(B) and (a)(1)(D)(ii). Moreover, if a parent refuses special education and related services on behalf of a student, the district board of education may not be determined to have denied the student a FAPE. N.J.A.C. 6A:14-2.3(c). Nevertheless, the IDEA neither requires nor compels parents to accept special education and related services for their children.

In this case, the district is trying to provide FAPE for S.P. by obtaining the consent necessary from the parents to allow S.P. to receive homebound instruction pending external investigation. The district is even willing to offer a return to school, but S.P.'s parents refuse to cooperate and are flouting all the district's attempts to do so. As such, the district is likely to prevail on a claim involving FAPE but not on its claim to compel consent for homebound instruction. Therefore, I **CONCLUDE** that the legal rights underlying this case are well settled, but that the district does not have a likelihood of success on the merits of its claim to compel consent for homebound instruction.

Balance of Equities

Ironically, when balancing the equities, respondents will suffer greater harm than the district. Although respondents are interfering with the district's ability to provide FAPE, respondents have the right to refuse special education and related services. The caveat, of course, is that respondents will be unable to complain later that the district failed to provide FAPE. Respondents also face the prospect of a proceeding for truancy. Nevertheless, I **CONCLUDE** that S.P. will suffer greater harm than the district in this application to compel homebound instruction.

Since the district has not met its burden of proving all four legal requirements for the grant of an application for emergency relief to compel homebound instruction, I **CONCLUDE** that this application for emergency relief must be denied.

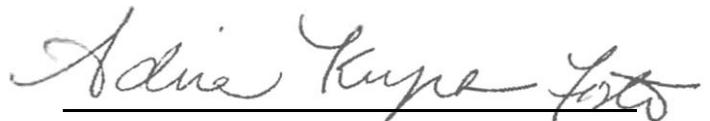
ORDER

Given my findings of fact and conclusions of law, I **ORDER** that petitioner's application for emergency relief is **DENIED** and that the parties convene an IEP meeting within the next two weeks to determine S.P.'s future placement.

This decision on application for emergency relief resolves all the issues in the due process complaint. No further proceedings are necessary, and this case is now closed. If the parent or adult student believes that this decision 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. This decision is final under 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2026) and is appealable by bringing a civil action in the Law Division of the Superior Court of New Jersey or in the United States District Court for the District of New Jersey under U.S.C. § 1415(i)(2) and 34 C.F.R. § 300.516 (2026).

January 28, 2026 _____

DATE



ADVIA KNIGHT FOSTER, ALJ

Date Received at Agency:

Date Mailed to Parties:

AKF/tc

APPENDIX

Witnesses

For petitioner:

None

For respondents:

A.P.

Exhibits

For petitioner:

Brief in support of emergent relief dated January 15, 2026:

Ex. A IEP dated October 8, 2025

Ex. B Email exchange between district and A.P. dated December 15, 2025

Ex. C Invitation for IEP meeting dated December 15, 2025

Ex. D Email exchange from December 16, 2025, to December 17, 2025, between the parents and district about rescheduling IEP meeting

Ex. E draft IEP dated December 17, 2025

Ex. F The district's email dated January 9, 2026, containing invitation for resolution meeting and parents' email dated January 10, 2026, declining the invitation

For respondents:

R-1 Not in evidence