



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION ON
EMERGENT RELIEF

OAL DKT. NO. EDS 02379-2026

AGENCY DKT. NO. 2026-40426

**CENTRAL JERSEY COLLEGE
PREP CHARTER SCHOOL
BOARD OF EDUCATION,**

Petitioner,

v.

A.G. AND T.G. ON BEHALF OF T.L.,

Respondents.

Thomas O. Johnston, Esq., and Jaryda A. Gonzalez, Esq., for petitioner (The
Johnston Law Firm, LLC, attorneys)

A.G. and T.G., on behalf of **T.L.,** respondents, pro se

Record Closed: February 24, 2026

Decided: February 27, 2026

BEFORE **KATHLEEN M. CALEMMO, ALJ:**

STATEMENT OF THE CASE

Petitioner Central Jersey College Prep Charter School Board of Education (Charter School) seeks an emergent order placing student T.L. on interim home instruction for a forty-five-day period, or until March 23, 2026, pending placement in an emotional

regulation impairment program. The Charter School maintains that because of his behavior, T.L. presents a danger to himself and to others. The Charter School documented incidence of disruptive behaviors, violence, and sexualized physical contact.

While not denying the behaviors, A.G.L.¹, on behalf of her minor son, T.L., disagreed with the Charter School's decision to place T.L. on home instruction. She believes that with appropriate supports, clear and regular communication, fidelity to T.L.'s Safety Plan, and an appropriate Behavior Intervention Plan (BIP), T.L. could safely remain in school. On February 19, 2026, A.G.L. filed for due process challenging the proposed Individualized Education Program (IEP), dated February 6, 2026, placing T.L. on home instruction, pending placement in an emotional regulation impairment program. During the pendency of her due process complaint, A.G.L. seeks stay-put under the last agreed upon IEP, which was implemented in October 2025. In opposition to the Charter School's request for emergent relief, A.G.L. seeks the immediate return of her son to school under stay-put protection.

To prevail, the Charter School alleged and therefore must prove that continuing T.L. in his most recent educational placement is "substantially likely to result in injury to the child or to others" in the school environment. 20 U.S.C. § 1415(k)(3)(A). The standard that must be met under the statute is an intentionally difficult one, which the Charter School has not met. Without question, the evidence shows that T.L.'s behavior has a negative impact on the educational environment of other students. That alone, however, is not enough to prevent him from attending school, with appropriate supports and services.

PROCEDURAL HISTORY

On February 10, 2026, the Charter School filed for emergency relief and due process seeking a temporary order to place T.L. on home instruction. The emergent matter was transmitted by the Office of Special Education (OSE) to the Office of

¹ A.G.L. is designated as A.G. in the caption, which did not include her full hyphenated name. For purposes of this decision, she will be referred to as A.G.L.

Administrative Law, (OAL), where it was filed on February 11, 2026, as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

On February 11, 2026, A.G.L. filed a cross-motion for emergent relief seeking an order for “stay put,” immediately returning T.L. to the Charter School.

On February 23, 2026, the Charter School submitted a letter brief and certification of Jaryda A. Gonzalez, Esq, with exhibits A -K, in support of its request and in opposition to A.G.L.’s cross-motion. On February 24, 2026, A.G.L. submitted the parents’ supplemental emergent rebuttal. The parties presented oral argument on the emergent relief applications by ZOOM platform on February 24, 2026, and the record closed.

FACTUAL DISCUSSION

For purposes of deciding this application for emergent relief, the following is a summary of the relevant facts derived from the due process petitions with attachments, supporting documentation, and oral arguments. Therefore, I **FIND** the following as **FACTS**:

T.L. is eleven years old and enrolled at the Charter School for the 2025-2026 school year as a sixth-grade student. T.L. is a classified student under the classification of Autism. In October 2025, after T.L. had attended the Charter School for approximately thirty days, his IEP was revised by consent, after a meeting.

On November 24, 2025, the Child Study Team (CST) conducted a reevaluation planning meeting. The CST decided reevaluations were warranted to get additional data to support T.L.’s continued behaviors. As part of the reevaluation, T.L. underwent a psychological assessment, educational assessment, occupational therapy assessment, speech language assessment, and a Functional Behavior Analysis (FBA).

On December 15, 2025, the Charter School proposed a Student Safety Intervention Plan to help mitigate T.L.'s behaviors. Based on the teacher's reports of T.L.'s behaviors, A.L.G. was concerned that the teachers were not adhering to the plan and violated its terms governing incident response and parental notification.

On January 16, 2026, A.L.G. sent an email to the CST to inform them that she was keeping T.L. home temporarily while issues were reviewed and corrective steps established. A.L.G. indicated that this was a temporary safety-based pause. Meghan Deutsch, Director of Special Education, responded, "that during this short term period while concerns are being reviewed" T.L.'s absences would be coded as an "excused absence for good cause." Director Deutsch ended the email by stating that "[w]e remain committed to working collaboratively with you to review concerns, implement appropriate supports, and determine a plan for [T's] safe and successful return to school." (Emails, dated January 16, 2026, attached to A.G.L.'s cross-petition.)

On January 28, 2026, the Charter School proposed placing T.L. on home instruction. A.L.G. responded as follows:

I consent to moving forward with Home Instruction on a temporary, interim basis to maintain continuity of instruction while the evaluation and IEP matters are addressed. This is understood to be temporary and not a resolution of placement or support needs.

[Attachment A to Charter School's petition]

In a responsive email, Director Deutsch thanked A.L.G. for agreeing to home instruction on a temporary basis, while the evaluations and IEP matters were being addressed. Ibid.

In anticipation of the upcoming IEP meeting, A.G.L. sent the following email to the CST, dated January 29, 2026:

We need to clarify that [T.L.] will need to return to school no later than Monday, 2/10. We are requesting that the team focus on ensuring the appropriate supports are in place for that return.

Given the re-evaluation results, proposed eligibility, proposed placement, Home Instruction, and development of a BIP are all interrelated, we are requesting that these matters be addressed in one consolidated IEP meeting to discuss all of these items together.

[Email attached to A.G.L.'s cross-petition.]

The reevaluation IEP meeting occurred on February 6, 2026. The parents rejected the proposed IEP and filed for due process. In an email, dated February 8, 2025, T.L.'s parents rejected home instruction and invoked stay put.

On February 10, 2026, A.G.L. sent T.L. to the Charter School. Director Deutsch sent A.G.L. an email advising her to pick up T.L. from school because T.L. had been placed on home instruction. T.L. was not permitted to attend school. (Email, dated February 10, 2026, at 10:05 A.M., attached to A.G.L.'s cross-petition.)

T.L.'s disabilities manifest with problematic behaviors. The Gonzalez certification outlined the following behaviors, which form the basis for the Charter School's emergent request:

- A. Kicking a classmate that resulted in an Harassment, Intimidation, or Bullying (HIB) complaint.
- B. Yelling out in class, playing video games on his Chromebook, distracting his classmates and defiant attitude towards teacher in a series of events on October 27, 2025, during social studies.
- C. Incident in hallway on November 6, 2025, when T.L. was pushing other students and made inappropriate physical contact with a student's private area.

- D. HIB incident on November 12, 2025, when what resembled a tag touch, T.L. touched the chest of a female student and ran out of the classroom. T.L. apologized for his actions.
- E. In social studies class on November 17, 2025, T.L. left the classroom without permission, called a classmate names and used profanity, disrupted the class with loud outbursts.
- F. On December 11, 2025, complaints were made by students that T.L. poked a classmate in her eye and pulled the hair of another classmate while teasing her.
- G. On January 9, 2026, T.L. and other students were running in the hallway causing disruption. T.L. asked to see a student's religious prayer necklace and the student refused, due to its religious significance. T.L. insulted the boy's culture and religion, causing him to cry.
- H. On January 13, 2026, T.L.'s social studies teacher sent a series of emails to T.L.'s case manager and other Charter School personnel informing them that T.L. grabbed an empty desk and made inappropriate pelvic thrusting motions.
- I. On January 15, 2025, during first period, T.L. started the day very well, but when another student started to fidget, T.L. yelled at him to "shut up." When no one responded to T.L.'s outburst, he grew quiet and went back on task. However, when T.L. noticed the other student continuing to move, T.L. began to insult the student and told him to "shut the fuck up." T.L. stopped after a bit but then continued to insult the student.
- J. The Charter School's Incident Report for T.L. contained twenty separate entries of infractions. The incidents ranged from inappropriate language, ongoing classroom disruptions, insubordination and defiant behavior, obscene behavior and gestures, physical aggression, electronic device offenses, and minor theft of taking snacks. Among the actions taken were three separate

one-day out of school suspensions, counseling, verbal warnings, lunch detentions, parent contact, and referral to special services.

A separate incident allegedly occurred on January 14, 2026. On January 20, 2026, a Franklin Township Police detective responded to the school for a report of offensive touching. (Exhibit A to Charter School's emergent petition.) There is no indication in the record that the school had any prior knowledge of this incident. A.L.G. learned of the incident on February 4, 2026, when she was contacted by a detective from Franklin Township Police Department. When A.G.L. questioned why she had not been informed of the incident, the detective informed her that T.L. was not facing criminal charges. The detective also contacted the Division of Child Protection and Permanency (DCP&P), where he was informed that the incident did not warrant a response or follow-up. (Police Incident – attached to A.G.L.'s petition for emergent relief.) A.G.L. disputed that her son was present on the date of the alleged incident. The daily attendance record for January 14, 2026, showed that T.L. was absent that day. (A.G.L.'s Petition exhibits, B.)

A.L.G. did not deny her son's culpability for the behaviors listed in the certification. However, she was distressed by the Charter School's lack of communication with her and indicated that she was not copied on the emails sent to T.L.'s case manager about his behaviors. Without consistent communication, A.L.G. was unable to provide support. On November 17, 2025, after reviewing classroom behavior reports, she questioned T.L.'s case manager why the documentation did not include antecedents, consequences, or functional data. As a result, A.L.G. requested FBA by a Board Certified Behavior Analysts (BCBA), consideration of additional supports, and data collection to determine what was happening. She stressed that each teacher was required to follow the safety plan, yet T.L.'s behavior was able to escalate without intervention. A.L.G. further contended that discipline was imposed in place of the preventive measures listed in the safety plan. The narratives from the teachers also showed that staff were aware of the early warning signs but took no proactive intervention, which resulted in escalation. A.L.G. believed that the placement of home instruction was a premeditated determination by the Charter School rather than offering a BIP based upon a credible FBA.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

The Charter School has determined that it is no longer safe for T.L. to attend school. It is well settled that a board of education is entitled to a change of placement of a student with a disability to an interim alternative placement upon showing that it is dangerous for the student to be in the current placement, and the parent and district cannot agree to an appropriate placement. N.J.A.C. 6A:14-2.7(n); N.J.A.C. 6A:14-2.8(f). When there is no agreement, a board of education is entitled to seek an order to change the placement to an appropriate interim alternative educational setting for not more than forty-five school days. The Charter School has the burden to prove that maintaining the current placement is substantially likely to result in injury to the child or others. 20 U.S.C. § 1415(k)(3)(A).

Emergent relief shall only be requested for the following issues pursuant to N.J.A.C. 6A:14-2.7(r):

- i. Issues involving a break in the delivery of services;
- ii. Issues involving disciplinary action, including manifestation determinations and determinations of interim alternate educational settings;
- iii. Issues concerning placement pending the outcome of due process proceedings; and
- iv. Issues involving graduation or participation in graduation ceremonies.

Here, both parties are seeking emergent relief. Arguably, the first three prongs are applicable as the basis for emergent relief. First, there was a break in the delivery of services on February 10, 2026, when the Charter School refused to admit T.L. to school. Second, although the parties do not dispute that the behaviors exhibited by T.L. are manifestations of his disability, they disagree that T.L. requires an interim alternate educational setting to manage his behaviors. The third issue is the crux of the matter and concerns whether stay put is applicable pending the outcome of the pending due process petition regarding the proposed February 6, 2026, IEP. I **CONCLUDE** this matter involves

the issue of placement pending the outcome of a due process proceeding, which requires emergent relief, pursuant to N.J.A.C. 6A:14-2.7(r)iii.

The stay-put provision under the Individuals with Disabilities Education Act (IDEA) provides an automatic preliminary injunction, preventing a school district from changing placement from the last agreed-upon IEP during the pendency of a petition challenging a proposed IEP. Drinker by Drinker v. Colonial School Dist., 78 F.3d 859, 864 (3d Cir. 1996). The “stay-put” provision acts as an automatic preliminary injunction, the overarching purpose of which is to prevent a school district from unilaterally changing a disabled student’s placement or program. See Drinker, 78 F.3d at 864.

There are two exceptions to the stay-put provision. The first is if the parties agree to a different placement; otherwise, “the child shall remain in the then-current educational placement of the child.” 20 U.S.C. § 1415(j). The second exception, applicable here, arises under the disciplinary provisions of IDEA, 20 U.S.C. § 1415(k).

Emergency relief may be granted pursuant to N.J.A.C. 1:6A-12.1(e) and N.J.A.C. 6A:14-2.7(s)(1), if the judge determines from the proofs that the following conditions have been established:

- 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 prevailing on the merits of the underlying claim; and
- iv. When the equities and 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.S.A. 6A:14-2.7(s); Crowe v. DeGioia, 90 N.J. 126 (1982), codified at N.J.A.C. 6A:3-1.6(b).

In deciding these competing motions for emergent relief, it is the Charter School who bears the burden of satisfying all four prongs of this test. Crowe, 90 N.J. at 132-34. First, the Charter School must demonstrate irreparable harm will occur if T.L. is permitted back in school. Harm is irreparable when there can be no adequate after-the-fact remedy in law or in equity; or where monetary damages cannot adequately restore a lost experience. Crowe, 90 N.J. at 132-133; Nabel v Board of Education of Hazlet, EDU 8026-09, Final Decision on Application for Emergent Relief (June 24, 2009).

Here it is the student, T.L., who is subject to irreparable harm, for remaining on home instruction, because he is not receiving services other than basic academic instruction. T.L. is not receiving counseling and support services and is not receiving an education among his peers. There is no other remedy in law or equity, or monetary damages, to restore this lost experience, for the student.

Moreover, before placing a child outside the district, “the school ‘must consider the whole range of supplemental aids and services, including resource rooms and itinerant instruction,’ speech and language therapy, special education training for the regular teacher, behavior modification programs, or any other available aids or services appropriate to the child’s particular disabilities.” Oberti v. Board of Education, 995 F.2d 1204,1216 (3rd Circuit, 1993). (citation omitted). While the Charter School provided a list of behavioral issues, it failed to put procedures in place to address these manifestations of T.L.’s disability. Moreover, the Charter School conducted an FBA but never implemented a BIP, before placing T.L. on home instruction.

The Charter School contends that it is no longer safe for T.L. to attend but the proofs did not adequately address how T.L. poses a danger to himself or others. There is no doubt that T.L.’s behaviors caused a disruption. It is hard to reliably determine whether the fault was with the safety plan, as proposed or as implemented, or whether the absence of an FBA made it impossible for CST to determine the most effective strategies for T.L. While T.L.’s conduct was inappropriate and disruptive, I **CONCLUDE** that the proofs do not demonstrate that continuing to allow T.L. to attend the Charter School is substantially likely to result in injury to him or others in the school setting. Thus, the Charter School has not demonstrated irreparable harm.

Second, the Charter School must demonstrate it has a settled legal right to the relief requested. The Charter School argued that the legal right to implement a program for a disabled student determined by an IEP team is a fundamental right under the IDEA, 20 U.S.C. 1414(d)(2). While that is true, it is also fundamental that the parents are part of the IEP team. Here, the Charter School is seeking an exception and has not demonstrated a settled legal right to the relief requested.

Pursuant to the New Jersey Administrative Code, no changes are to be made to a child's classification, program, or placement unless emergency relief is granted. Specifically, N.J.A.C. 6A:14-2.7(u) provides that:

Pending the outcome of a due process hearing, including an expedited due process hearing, or any administrative or judicial proceeding, no change shall be made to the student's classification, program or placement unless both parties agree, or emergency relief as part of a request for a due process hearing is granted by the Office of Administrative Law according to (m) above or as provided in 20 U.S.C. § 1415(k)4 as amended and supplemented.

N.J.A.C. 6A:14-2.7(u).

This prohibition of a change in placement, commonly referred to as "stay put", acts as an automatic preliminary injunction. The overarching purpose is to prevent a school district from unilaterally changing a disabled student's placement. Drinker by Drinker v Colonial School District, 78 F.3d 859, 864 (3d Cir. 1996). Regarding the standard of review for a "stay put" request, the emergent-relief factors set forth in N.J.A.C. 6A:14-2.7(r)–(s), N.J.A.C. 1:6A-12.1, and Crowe v. DeGioia, 90 N.J. 126, 132–34 (1982), are generally inapplicable. "Congress has already balanced the competing harms as well as the competing equities." Pardini v. Allegheny Intermediate Unit, 420 F.3d 181, 188 (3d Cir. 2005). In Drinker, the court explained that IDEA "substitutes an absolute rule in favor of the status quo for the court's discretionary consideration of the factors of irreparable harm and either a likelihood of success on the merits or a . . . balance of hardships." Drinker, 78 F.3d at 864 (citations omitted.) If the "stay put" provision applies, injunctive relief is available without the traditional showing of irreparable harm. Ringwood Board of

Education v. K.H.J. ex rel K.F.J., 469 F. Supp. 2d 267 (D.N.J. 2006). Under such circumstances, it becomes the duty of the court to ascertain and enforce the “then-current educational placement” of the student. Drinker, 78 F.3d at 865.

The purpose of “stay put” is to maintain stability and continuity for the student. The first preference for interim placement is one agreed to by the parties. However, when the parties are unable to agree, the placement in effect when the due process request was made, i.e., the last uncontroverted placement or program, is the status quo. In this matter, the October 2025, IEP was agreed upon by the parents. The February 6, 2026, IEP came about because of T.L.’s escalating discipline and behavioral issues. The parents objected to this IEP and filed for due process. Therefore, I **CONCLUDE** that “stay put” is appropriate injunctive relief, which requires the student’s placement at the Charter School.

The third prong of the factors the Charter School must satisfy is whether it has a likelihood of prevailing on the merits of the underlying claim. Stay put is an automatic injunction, so further analysis under Crowe is not necessary.

In determining that I am unable to grant the relief sought by the Board, I am guided by the express statutory language contained at 20 U.S.C. § 1415(k)(3)(A). Our courts assume that the drafters of a statute intended to ascribe to words their ordinary meaning. Jablonowska v. Suther, 195 N.J. 91, 105 (2008). Moreover, and importantly, a court should strive for an interpretation that gives effect to all of a statutory provision, and does not render any language inoperative, superfluous, void, or insignificant. State v. Reynolds, 124 N.J. 559, 564 (1991). The standard that must be met under the statute is thus an intentionally difficult one, as it requires a showing that a child is “substantially” likely to harm himself or others if not removed from his school setting. Without question, the evidence shows that T.L.’s behavior, especially his disruption of his own and neighboring classrooms with profanity, insults, and aggressions has a negative impact on the educational environment of other students. That alone, however, is not enough to prevent him from attending school.

The use of the word “substantially” and the high standard set by that language harmonizes with the overriding statutory preference for educating T.L. in the “least restrictive environment.” 20 U.S.C. § 1412(a)(5)(A) mandates that:

[t]o the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Returning T.L. to the Charter School will not be enough; an FBA has been completed and should serve as a guide to develop an appropriate BIP, by the CST, with consent of the parents. The Charter School must make appropriate provisions to return T.L. to school, without delay.

Finally, T.L.’s parents are cautioned not to interpret this decision as finding that the concerns raised by school personnel are unreasonable. However, without the proper supports in place for T.L., it appears likely that the parties will be before this forum again to address the issue of T.L.’s ability to safely continue to attend school.

ORDER

It is **ORDERED** that the Charter School’s emergent relief request to place T.L. on interim home instruction for a forty-five-day period, pending placement in an appropriate program or placement is **DENIED**.

It is **FURTHER ORDERED** that A.G.L.’s cross-motion for emergent relief as to stay put placement at the Charter School during the pendency of the due process appeal of the February 6, 2026, IEP is **GRANTED**.

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 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.



February 27, 2026
DATE

KATHLEEN M. CALEMMO, ALJ

Date Received at Agency

Date Mailed to Parties:

KMC/tat

APPENDIX

EXHIBITS

Petitioner, Central Jersey College Prep Charter School:

Petition with Exhibits:

Exhibit A: Franklin Township Police Department – Incident Report

Exhibit B: Email dated January 28, 2026 – Home instruction

Exhibit C: February 6, 2026, IEP

Gonzalez Certification with Exhibits:

Exhibit A. (HIB) complaint

Exhibit B. Behaviors during social studies - October 27, 2025

Exhibit C. Incident in hallway on November 6, 2025

Exhibit D. HIB incident on November 12, 2025

Exhibit E. Behaviors during social studies - November 17, 2025

Exhibit F. Student's complaints of aggression - December 11, 2025

Exhibit G. Incident of January 9, 2026 - student's religious prayer necklace

Exhibit H. Sexualized behaviors during social studies - January 13, 2026

Exhibit I. January 15, 2025 – use profanity and insulting behavior

Exhibit J. The Charter School's Incident Report for T.L.

Respondents, A.G.L. on behalf of T.L.:

Petition with Exhibits:

Exhibit A: Franklin Township Police Department – February 4, 2026

Exhibit B: Attendance

Exhibit C: Emails

Exhibit D: Student Safety Intervention Plan

Exhibit E: Complaint, dated January 23, 2026

Exhibit F: Emails – January 28, 2026

Exhibit G: Request for Enforcement of Mediation Agreement

Exhibit H: Emails