



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER ON
EMERGENT RELIEF

OAL DKT. NOS. EDS 07120-26,
EDS 07121-26, EDS 07122-26,
EDS 07123-26 and EDS 07124-26
AGENCY DKT. NOS. 2026-40932,
2026-40933, 2026-40934, 2026-
40935 and 2026-40936

**N.M. ON BEHALF OF K.M., M.M.,
E.M., X.M., and J.M.,**

Petitioner,

v.

**NEW BRUNSWICK CITY BOARD
OF EDUCATION, MIDDLESEX COUNTY,**

Respondent.

(CONSOLIDATED)

N.M. petitioner, pro se, on behalf of **K.M., M.M., E.M., X.M.** and **J.M.**

Eric L. Harrison, Esq., for respondent (Methfessel & Werbel, P.C., attorneys)

Record Closed: May 19, 2026

Decided: May 20, 2026

STATEMENT OF THE CASE

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 to 1482, and 34 C.F.R. §§ 300.500 et seq. (2025). By request for emergent relief, petitioner N.M. has filed five substantially similar requests for relief on behalf of her five children. The children are:

K.M. DOB November 4, 2008

M.M. DOB January 24, 2013

E.M. DOB July 31, 2017

X.M. DOB December 30, 2019

J.M. DOB April 20, 2005

The children cumulatively will be referred to as “K.M.” (the child named in first request) or “children”. In an instance where petitioner’s request on behalf of a different child veers from the general request, the reference to that child will be noted.

Petitioner, on behalf of children, requests “Petitioner obo student seeks a temporary order for out of district placement pending the resolution of due process Due Process: Petitioner obo student seeks out of district placement, evaluations, and compensatory education and services”

PROCEDURAL HISTORY

On May 4, 2026, petitioner filed five complaints for an emergent relief hearing with the New Jersey Department of Education (DOE), Office of Special Education (OSE), which was transmitted by the OSE on May 6, 2026, to the Office of Administrative Law (OAL) for an emergent relief hearing. The cases were assigned to me on May 8, 2026.

On May 12, 2026, the parties participated in a prehearing conference via the Zoom platform. At petitioner's request, the conference was held with the assistance of a Spanish interpreter. On May 15, 2026, both parties made submissions. On May 19, 2026, the emergent hearing was held via the Zoom platform for all five cases for oral argument on emergent relief. At petitioner's request, the hearing was held with the assistance of a Spanish interpreter; however, this was a different interpreter as petitioner stated at the May 12, 2026, conference that the interpreter did not do a good job. The record was held open until the close of the business day and the record then closed.

FACTUAL DISCUSSION AND FINDINGS

The following facts are not in dispute and form the basis for this decision. Accordingly, I **FIND** as **FACTS**:

N.M. states she is a resident of the New Brunswick School District (District). She brought five separate emergent appeals for her five children with ages stated above. She moved to Edison Township from Long Branch Township in March 2026. On March 24, 2026, petitioner enrolled her four children, K.M., M.M., E.M. and X.M. in the New Brunswick Public Schools. The fifth child, J.M., was never enrolled in New Brunswick Public Schools.

N.M. filed an action stating she sought "Petitioner obo student seeks a temporary order for out of district placement pending the resolution of due process Due Process: Petitioner obo student seeks out of district placement, evaluations, and compensatory education and services"

Petitioner provided various information pertaining to previous educational and psychological reviews of her children.

To date, petitioner has not sent any of her children to attend school in the Edison School District.

Petitioner failed to provide her address to me or the District and disregarded numerous attempts by the District to assist in registering her children. She appeared at the Zoom hearing wearing a t-shirt with the word “FUCK” in what appeared to be magic marker on the shirt. When questioned about this she stated it was to address the Coca-Cola company (which was the advertisement on the shirt); later stated that it was not a personal statement to the court; and still later stated that it was a personal statement to the court. During the process she continually stated her point without consideration for the benefit of her children.

Respondent provided a certification of Dr. Iris Forde, Assistant Superintendent of Edison Board of Education schools. This certification stated, among other things, that petitioner never sent the students to school; petitioner stated that four of the children have autism but did not provide the students to be evaluated; and that the District made efforts to locate the students and provide them an educational opportunity.

LEGAL ANALYSIS AND CONCLUSIONS

N.J.A.C. 1:6A-12.1(a) provides that the affected parent may apply in writing for emergent relief. An emergent relief application is required to set forth the specific relief sought and the specific circumstances that the applicant contends justify the relief sought. Each application is required to be supported by an affidavit prepared by an affiant with personal knowledge of the facts contained therein.¹ Emergent relief shall only be requested for specific issues, including a break in the delivery of services and/or placement pending the outcome of due process proceedings. N.J.A.C. 6A:14-2.7(r).

Here, petitioner initiated an emergent proceeding requesting an out-of-district placement for her children. She submitted documents evidencing problems and concerns with her children’s school, but these complaints were addressed to the former district at Long Branch – not Edison. She was continually reminded that complaints against Long Branch were immaterial to her requests for emergent relief.

¹ Though directed to submit an affidavit to support her request for emergent relief, petitioner did not do so.

Therefore, I **CONCLUDE** that petitioner has not established that her request for emergent relief is founded or justified.

If, however, a reviewing court were to conclude that petitioner has stated a claim for emergent relief, the following inquiry would be required.

The standards for emergent relief are set forth in Crowe v. De Gioia, 90 N.J. 126 (1982) (Crowe), and are codified at N.J.A.C. 6A:3-1.6. The petitioner bears the burden of proving:

1. that the children will suffer irreparable harm if the requested relief is not granted;
2. the existence of a settled legal right underlying the petitioner's claim;
3. that the party seeking emergent relief 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, C.H. will suffer greater harm than the respondent.

[Crowe, 90 N.J. at 132–34.]

Irreparable Harm

To obtain emergent relief, petitioner must demonstrate more than a risk of irreparable harm to the children. Petitioner must make a “clear showing of immediate irreparable injury,” or a “presently existing actual threat; (an injunction) may not be used simply to eliminate a possibility of a remote future injury, or a future invasion of rights, be those rights protected by statute or by common law.” Cont’l Group, Inc. v. Amoco Chems. Corp., 614 F.2d 351, 359 (3d Cir. 1980) (citations omitted).

Petitioner did not contend that irreparable harm would be established in her argument or submissions.

I **CONCLUDE** that the petitioner has not met the burden of establishing that the children will experience irreparable harm if the petitioner is not granted.

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

The second consideration is whether the legal right underlying petitioner's claim is settled, N.J.A.C. 6A:3-1.6(b)(2), and then third, petitioner must make a preliminary showing of a reasonable probability of success on the merits. Crowe, 90 N.J. at 133. It is well-settled that the IDEA requires a school district to provide a free appropriate public education to all children with disabilities and determined to be eligible for special education. 20 U.S.C. § 1412(a)(1)(A). Transportation is a related service provided "to assist a child with a disability to benefit from special education." 20 U.S.C. § 1401(26); 34 C.F.R. § 300.34 (2025).

Petitioner has not cited federal or state law giving credence to this assertion in her argument or submissions.

For the above reason, I **CONCLUDE** that petitioner does not meet this prong of the emergent relief standard.

Balance of Equities and Interests

The final prong of the above test is whether the equities and interests of the parties weigh in favor of granting the requested relief to petitioner.

Petitioner did not argue that the children will suffer greater harm if emergent relief is not granted, such harm being risk to their immediate safety and medical stability. Petitioner did assert that there were special education concerns, but she has not made the children available for a proper evaluation.

I **CONCLUDE** that respondent would suffer greater harm if the requested relief was granted. I **CONCLUDE** that petitioner's request for emergent relief does not satisfy the applicable requirements.

ORDER

For the reasons stated above, I hereby **ORDER** that petitioner's 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 adult student 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).



May 20, 2026 _____

DATE

CARL V. BUCK, III., ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

CVB/tat

APPENDIX

Exhibits

For Petitioner:

- P-1 Packet
- P-2 Packet
- P-3 Medical Information

For Respondent:

- R-1 Submission of counsel
- R-2 Certification of Dr. Iris Forde