



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER ON

EMERGENT RELIEF

OAL DKT. NO. EDS 07125-26

AGENCY DKT. NO. 2026-40944

S.S.,

Petitioner,

v.

HILLSIDE TOWNSHIP BOARD

OF EDUCATION,

Respondent.

S.S., petitioner, pro se, no appearance

Noelle Van Baaren, Esq., for respondent (Hunt, Hamlin & Ridley, attorneys)

Record Closed: May 14, 2026

Decided: May 14, 2026

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

STATEMENT OF THE CASE

Petitioner, S.S., requested emergent relief seeking a temporary order for placement at the Union County Educational Services Commission Work Readiness Academy, pending the resolution of due process. Respondent, Hillside Township Board of Education (Board), opposed this request on the grounds that petitioner has not satisfied the requirements for obtaining emergent relief as S.S.'s continues to be educated

pursuant to his existing Individualized Education Program (IEP) and is not set to graduate until June 2027.

PROCEDURAL HISTORY

On May 6, 2026, petitioner filed a request for emergent relief seeking a temporary order for continuation of programming and services and participation in the Work Readiness Academy. The emergent matter was transmitted by the Office of Special Education (OSE) to the Office of Administrative Law, (OAL), as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23. The emergent matter was scheduled for oral argument on May 14, 2026.

By email, dated May 13, 2026, to my Judicial Support Specialist (JSS) Tracey Thomas, S.S. requested a time change for oral argument to accommodate his school schedule and not miss his career training hours. I reviewed S.S.'s request and instructed Ms. Thomas to send the parties an email asking S.S. what time he would be available to attend the zoom hearing. In response to the email, S.S. sent his supplemental proof for today's hearing but did not provide any information on his availability.

On May 13, 2026, respondents submitted a letter brief in opposition to the emergent request. Respondent consented to a time change for the hearing.

When I received nothing further from S.S., I sent an email to the parties through Ms. Thomas at 11:45 a.m. on May 14, 2026, confirming that the emergent hearing would proceed as scheduled.

Present for the zoom hearing were Noelle Van Baaren, Esq., attorney for the Board, Kimberly Taylor, Director of Special Services, Tiffany Losier, Supervisor of Student Support Services, and Edward Okumu, Case Manager. S.S. did not appear for oral argument on May 14, 2026, at the scheduled time of 1:30 p.m. S.S.'s case manager, Edward Okumu, confirmed that S.S. was in his work program until 2:30 p.m. I held the hearing open for twenty minutes and when S.S. did not appear or contact me, I closed the record.

FACTUAL DISCUSSION

S.S. stated in his certification that he was entitled to emergent relief due to issues involving disciplinary action and graduation.

Kimberly Taylor, Director of Special Services, confirmed that S.S. will not be twenty-one years old until April 2027, with an anticipated graduation date of June 2027. Under his current IEP, S.S. attends SCESC Pathways Academy in Somerset County for transitional and vocational programming. The Child Study Team (CST) considered placement at the Work Readiness Academy but determined it was not appropriate. S.S.'s next annual review meeting is presently due in October 2026. The District remains open to convene an IEP meeting at S.S.'s request to address any programming concerns.

I am satisfied based upon respondent's submission confirmed by Ms. Taylor that S.S. is not graduating in June 2026 and is receiving services under his current IEP. Therefore, I **FIND** that S.S. is attending a vocational program and is not anticipated to graduate until June 2027.

LEGAL ANALYSIS AND CONCLUSIONS

Petitioner filed for emergent relief to request a different transitional program from that one that he is attending under his current IEP. This is not an appropriate ground for emergent relief.

Under N.J.A.C. 6A:14-2.7(r)(1), emergent relief shall only be requested for the following issues:

- 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

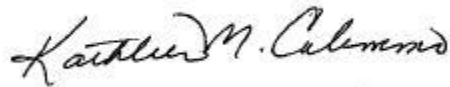
- iv. Issues involving graduation or participation in graduation ceremonies.

As there has been no break in the delivery of services and S.S. is not anticipated to graduate until June 2027, petitioner has not set forth any basis for the relief requested. Thus, I **CONCLUDE** that petitioner has not established entitlement to relief under N.J.A.C. 6A:14-2.7(r)1.

Although S.S. is not entitled to emergent relief, his concerns will be addressed at his upcoming mediation.

Accordingly, I **ORDER** that the request for emergent relief be **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 14, 2026

DATE

KATHLEEN M. CALEMMO, ALJ

Date Received at Agency:

Date Mailed to Parties:

KMC/tat