

OAL DKT. NO. 14241-11
AGENCY DKT. NO. 347-11/11

L.A., on behalf of minor child R.A., L.G., on behalf of
of minor child, N.G., D.W., on behalf of minor
child, C.R., R.V., on behalf of minor child, R.S., :
T.Z., on behalf of minor child, T.Z., J.K., on behalf
of minor child, R.K. and :
ANDREW MONAGHAN,¹

PETITIONERS, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE TOWNSHIP : DECISION ON
OF WAYNE, PASSAIC COUNTY :
AND MICHAEL ROTH, : APPLICATION FOR EMERGENT RELIEF

RESPONDENTS. :

The record of this emergent matter – including the recorded proceedings of the hearing conducted at the Office of Administrative Law (OAL) on December 1, 2011 – along with the recommended Order of the Administrative Law Judge (ALJ) have been reviewed.

Upon such review, the Commissioner concurs with the ALJ that petitioners have failed to demonstrate entitlement to emergent relief pursuant to *Crowe v. DeGioia*, 90 N.J. 126 (1982). Specifically, although the Commissioner agrees with the ALJ that petitioners have met the threshold standard of irreparable harm, he likewise agrees – for the reasons clearly presented in the ALJ’s decision – that they have failed to sustain their requisite burden of satisfying the remaining three prongs of *Crowe*, *i.e.*, that the legal right underlying their claim is well settled, that they have a likelihood of success on the merits of their underlying appeal, and that the balance of interests and equities under the circumstances rests in their favor.

¹ It is noted that S.K., on behalf of minor child, C.K. and C.S., on behalf of minor child, M.S. were additionally named as petitioners in this Emergent Relief request. As notarized verifications, required by *N.J.A.C. 6A:3-1.4*, were not received from these individuals, they are excluded from participation here.

Accordingly, the recommended Order of the OAL denying petitioners' application for emergent relief is adopted. This matter shall proceed at the OAL for whatever action may be required to bring it to conclusion.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 2, 2011

Date of Mailing: December 2, 2011

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).