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OAL Dkt. No. EDU 17242-24
Agency Dkt. No. 385-12/24

New Jersey Commissioner of Education
Order on Emergent Relief

Board of Education of the City of Newark, Essex
County,

Petitioner,

v.

Dawn Haynes,

Respondent.

The record of this emergent matter, the sound recording of the hearing held at the Office of Administrative Law (OAL), and the recommended Order of the Administrative Law Judge (ALJ) have been reviewed and considered.

Petitioner, the Newark Board of Education (Board), filed this motion for emergent relief against respondent, Board member Dawn Haynes, and seeks her removal from the Board due to a disqualifying conflict of interest. *N.J.S.A. 18A:12-2*, “Inconsistent interests or office prohibited,” provides in relevant part: “No member of any board of education shall be interested directly or indirectly in any contract with or claim against the board . . .”.

On or about October 24, 2024, respondent’s eighteen-year-old daughter filed a Notice of Tort Claim against the Newark Public Schools, Superintendent Roger Leon, and Principal Nelson Ruiz regarding alleged mistreatment and bullying which took place when she was a high school

student. Respondent's daughter indicated on the Notice of Tort Claim that her address was the same as respondent's address.

The Board asserts that respondent and her daughter are members of the same household and that, pursuant to *N.J.S.A. 18A:12-2*, respondent must be immediately removed from her position as a Board member because she is directly or indirectly interested in her daughter's claim. However, both respondent and her daughter deny that they are members of the same household.

According to certifications submitted by respondent, her daughter is a full-time college student at Clark Atlanta University in Georgia, where she lives on campus. She intends to live with her cousin in Marietta, Georgia during the summer months while she attends summer classes. She also intends to obtain a driver's license and to register to vote in Georgia. She listed respondent's address on the Notice of Tort Claim for purposes of convenience, but she maintains that she no longer lives with respondent in Newark. She will continue to visit her parents on holiday breaks, and she has not yet arranged to have her mail forwarded to Georgia.¹

To obtain emergent relief, the Board must establish that: (1) it will suffer irreparable harm if the requested relief is not granted; (2) the legal right underlying its claim is settled; (3) it has a reasonable likelihood of prevailing on the merits of the underlying claim; and (4) it will suffer greater harm than respondent will suffer if the requested relief is not granted. *Crowe v. DeGioia*, 90 N.J. 126, 132-34 (1982); *N.J.A.C. 6A:3-1.6*.

¹ On December 16, 2024, after the Board initiated this action via petition and motion for emergent relief, respondent's daughter sent the Board correspondence providing her current address in Marietta, Georgia.

Upon review, the Commissioner concurs with the ALJ that the Board has failed to demonstrate entitlement to emergent relief pursuant to the standards enunciated in *Crowe* and codified at *N.J.A.C.* 6A:3-1.6. However, as explained herein, the Commissioner so concludes for different reasons than those cited by the ALJ. In particular, the Commissioner rejects the ALJ's finding that a Notice of Tort Claim "is not the type of claim that would justify [respondent's] removal" from the Board. Order, at 4.

At the outset, the Commissioner has previously held that a Notice of Tort Claim is a type of claim that could potentially result in disqualification under *N.J.S.A.* 18A:12-2. *See, e.g., Bd. of Educ. of Borough of Hawthorne v. Taliaferro*, 94 *N.J.A.R.2d* (EDU) 197 (1993) (board member disqualified under *N.J.S.A.* 18A:12-2 when wife filed Notice of Tort Claim against board and he had indirect interest due to potential for significant monetary benefit as family unit member if she recovered damages); *Bd. of Educ. of Borough of Berlin v. Lee*, OAL Dkt. No. EDU 6050-01, Initial Decision (April 29, 2002), Commissioner Decision No. 238-02 (June 14, 2002) (board member disqualified under *N.J.S.A.* 18A:12-2 after filing Notice of Tort Claim against board on behalf of minor children); *Bd. of Educ. of Borough of Palmyra v. Marinnie*, Commissioner Decision No. 208-05 (June 8, 2005) (board member disqualified under *N.J.S.A.* 18A:12-2 for indirect interest in adult son's Notice of Tort Claim against board as son was a member of his household, had educational and/or living expenses subsidized by mother who also lived in household, and board member would benefit in substantial and material way if son was awarded over \$1,000,000 in damages). *But see Bd. of Educ. of Twp. of Brick v. Mercer*, 96 *N.J.A.R.2d* (EDU) 5 (1995) (board member not disqualified under *N.J.S.A.* 18A:12-2 when adult son filed Notice of Tort Claim against board because no showing made to establish board member would benefit from son's claim).

Moreover, the ALJ's reliance on *W.S. v. Hildreth*, 252 N.J. 506 (2023), is misplaced. There, in a matter that did not involve the interpretation or application of N.J.S.A. 18A:12-2, the Supreme Court held that a Notice of Tort Claim neither constitutes a complaint nor the commencement of civil litigation. *W.S.*, 252 N.J. at 520. Applying *W.S.*, the ALJ reasoned that because a complaint was not yet filed by respondent's daughter and civil litigation had not yet commenced, the Notice of Tort Claim could not disqualify respondent from her Board member position under N.J.S.A. 18A:12-2 when it had not been established that she helped her daughter prepare or serve the Notice of Tort Claim.

However, the plain language of N.J.S.A. 18A:12-2 clearly and unambiguously prohibits an inconsistent interest in a "claim." It does not require that a complaint be filed or that civil litigation begin for a prohibited inconsistent interest to arise. *Berlin*, Initial Decision at 15. "The notice of a tort claim is not merely an inchoate claim that may be pursued at some future date, but represents an actual claim against a public entity which may be subject to settlement and, failing that, may be the subject of a future court action against the public entity. Thus, the claim . . . has been made and is in existence by virtue of the notice of claim." *Id.* at 14-15. For these reasons, the Commissioner rejects the ALJ's finding that a Notice of Tort Claim "is not the type of claim" that could lead to respondent's removal from the Board. Order, at 4.

Nevertheless, the Commissioner holds that the Board is not entitled to emergent relief because the legal right underlying its claim is not settled. Disqualification pursuant to N.J.S.A. 18A:12-2 is not automatic once a board member's immediate family member files a Notice of Tort Claim against the board. See generally *Bd. of Educ. of Sea Isle City v. Kennedy*, 196 N.J. 1, 15 (2008). "Indeed, the Commissioner has stated his willingness to engage in fact-sensitive, case-

specific analyses in respect of a member's direct or indirect interest in alleged 'inconsistent' claims and contracts." *Ibid.*

"[N]ot all claims in which a board member has an interest constitute a 'substantial conflict' requiring removal from office as the sole remedy." *Id.* at 16. "Substantial, disqualifying conflicts of interest should be identified either by type of claim, *i.e.* specific monetary claims by the member or a family member as in a tort claim, or by type of proceeding." *Id.* at 18. *Accord Bd. of Educ. of Borough of Kinnelon v. D'Amico*, 477 N.J. Super. 184, 190 (App. Div. 2023). Removal may be warranted when there are "concrete, pecuniary aspects to the dispute." *Kennedy*, 196 N.J. at 7. It is important to consider whether the alleged inconsistent interest "would call into question a board member's ability to perform public duties and the public's confidence in that ability of the member to perform his or her office." *Id.* at 17. "[T]he line between acceptable and prohibited activities . . . may be resolved through the prism of a fact-specific inquiry." *Id.* at 18.

In summary, because disqualification pursuant to N.J.S.A. 18A:12-2 is not automatic once a board member's immediate family member files a Notice of Tort Claim against the board, the Commissioner finds that the Board's legal right underlying its claim is not settled. The current record does not permit the Commissioner to conduct the requisite thorough, fact-sensitive, case-specific analysis mandated by the Court in *Kennedy* to determine whether respondent has a direct or indirect interest in her daughter's claim against the Board that would warrant her disqualification under N.J.S.A. 18A:12-2. While respondent's daughter's domicile is a factor to consider, it is not necessarily dispositive. Furthermore, the extent to which respondent continues

to support her daughter financially while she continues her education on a full-time basis is unknown.

Accordingly, the Board's application for emergent relief is denied.² This matter shall continue at the OAL with such proceedings as the parties and the ALJ deem necessary to bring it to closure.

IT IS SO ORDERED.



ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 21, 2025
Date of Mailing: January 21, 2025

² Because all *Crowe* factors must be satisfied to obtain emergent relief, the Commissioner need not analyze the remaining three factors.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER

DENYING EMERGENT RELIEF

OAL DKT. NO. EDU 17242-24

AGENCY DKT. NO. 385-12/24

BOARD OF EDUCATION, CITY OF NEWARK,

ESSEX COUNTY,

Petitioner,

v.

DAWN HAYNES,

Respondent.

Brenda C. Liss, Esq., for petitioner

Bryant Lawrence Horsley, Jr., Esq., for respondent (Souder Law Group, LLP,
attorneys)

Record Closed: December 17, 2024

Decided: December 19, 2024

BEFORE **WILLIAM J. COURTNEY, ALJ:**

STATEMENT OF THE CASE

On December 6, 2024, the Board of Education of the City of Newark (“Board”) filed a Motion for Emergent Relief to exclude Respondent Dawn Haynes from participation in all business and activity of the Board pending the outcome of Petition for Declaratory Relief filed that same day. The parties provided notice that oral argument on the Board’s Motion for Emergent Relief would take place on December 13, 2024 at the Office of Administrative Law. Counsel for the Board appeared for oral argument and respondent failed to appear. When contacted by telephone respondent indicated that she did not receive notice of the oral argument. However, respondent later confirmed that she had received an email from transmittals oal.nj.gov (which contained notice that oral argument would take place on December 13, 2024) she did not open it because she did not recognize the sender. Respondent was granted permission to submit written opposition to the motion by Monday, December 16th. A further extension was granted until December 17th at 4:00 pm after a request for same was received from newly retained counsel for the respondent. The record on the motion was closed on December 17, 2024 after receiving written opposition from respondent.

ISSUE

Does the filing of a Notice of Tort Claim by respondent’s adult daughter require the immediate removal of respondent from her position as an elected member of the Board of Education of the City of Newark.

LEGAL ANALYSIS

The issue at bar arose upon the Board’s receipt of a Notice of Tort Claim (“NTC”) dated October 24, 2024, addressed to the Newark Public Schools c/o Superintendent Rodger Leon. The document identifies itself as “Notice of Tort Claim for [respondent’s adult daughter]” and gives the respondent’s address as the address of the claimant. The Notice of Tort Claim also lists the “Names of the Public Entity or Employee Causing Loss “ as Newark Public Schools, Superintendent Roger Leon, and Principal Nelson Ruiz.”

The NTC states that the claimant “was subjected to and suffered pervasive and consistent’ mistreatment of 15 specified types as well as “other inappropriate and unlawful verbal and physical torts.” It further states that “Newark Public Schools, Superintendent Roger Leon and Principle Nelson Ruiz are liable for violating my rights...” and “acted illegally, unethically, maliciously, intentionally, recklessly, negligently, fraudulently, wrongfully, and/or immorally, and aided and abetted the conduct.”

The Board argues that because respondent and her daughter reside at the same address and are members of the same household, respondent has a disqualifying interest in her daughter’s claim against the Board. The Board maintains that during the pendency of the Petition for Declaratory Ruling the business of the board will continue resulting in potential conflicts of interest. The Board also emphasizes that its members have access to confidential information including information concerning pending and threatened litigation. For these reasons, the Board goes on to assert that its request for emergent relief be granted because it satisfies all the standards for such relief pursuant to Crowe v. DeGioia, 90 N.J. 126 (1982). For the reasons set forth below, I disagree.

A litigant seeking emergent relief must comply with the requirement of N.J.A.C. 6A:3-1.6 which provides, in relevant part:

(B) a motion for a stay or emergent relief shall be accompanied by a letter memorandum or brief which shall address the following standards to be met for granting such relief pursuant to Crowe v. DeGioia, 90 N.J. 126 (1982):

1. The petitioner will suffer irreparable harm if the requested relief is not granted;
2. The legal right underlying petitioner’s claim is settled;
3. The petitioner has a likelihood of prevailing on the merits the underlying claim;
4. 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.

It is the petitioner's burden to demonstrate a clear right to emergent relief by addressing these components of emergent relief (See, e.g., Hamilton Twp. Bd. of Educ. V. L.E. and A.E. o/b/o J.E., OAL Dkt. No. EDS 14744-18 (N.J. Adm. Oct.22, 2-18). I **FIND** that petitioner has failed to do so.

1. Irreparable Harm

The gravamen of petitioner's contention concerning this standard is that the Board will be forced to include among its members the respondent, who has an "irreconcilable conflict of interest" due to the substantial monetary claim made by her daughter against the Board. The first weakness I find in the logic of petitioner's assertion of irreparable harm is that there has been no proceeding filed against the Board by petitioner's daughter. I **FIND** that the NTC served on the Board by petitioner's daughter is not the type of claim that would justify removal as from her elected Board position.

Pursuant to Rule 4:2-2, "[a] civil action is commenced by filing a complaint with the court." A NTC does not constitute a complaint or a pleading. Rule 4:5-1(a) provides an exclusive list of all permissible "pleadings" that can be filed in a civil action: a complaint, an answer, an answer to a counterclaim, an answer to a cross - claim, a third-party complaint and third-party answer, and a reply to an affirmative defense. Neither a TCA notice of claim nor a motion for leave to file a late notice of claim appears on the list, and the rule concludes: "No other pleading is allowed." R. 4:5-1(a).

As indicated in W.S. v. Hildreth, 252 N.J. 506 (2023):

The Appellate Division has thus held that filing a notice of claim under the TCA does not commence civil litigation. See J.R.S., 398 N.J. Super. at 5-6, 939 A.2d 226. Instead, a notice of claim informs public entities of "[p]otential future litigation or notice of intent to commence a civil suit at some future time ." Id., 398 N.J. Super. at 6, 939 A.2d 226. "Although the filing of a tort claims notice under N.J.S.A. 59:8-8 is an indispensable jurisdictional prerequisite to the prosecution of common law tort claims against a public entity, the mere serving of this

notice upon the public entity does not amount to the commencement of 'civil litigation.' " [Id. 398 N.J. Super. at 5-6, 939 A.2d 226](#) (citing [Velez v. City of Jersey City, 180 N.J. 284, 290, 850 A.2d 1238 \(2004\)](#)). As we have noted, one of the purposes of the notice of claim is "to allow the public entity at least six months for administrative review with the opportunity to settle meritorious claims prior to the bringing of suit." [Velez, 180 N.J. at 290, 850 A.2d 1238](#) (emphasis added) (quoting [Beauchamp v. Amedio, 164 N.J. 111, 121, 751 A.2d 1047 \(2000\)](#)). That would be impossible if a notice of claim itself began civil litigation.

[[Id.](#) at 520]

In [Board of Educ. of City of Sea Isle City v. Kennedy, 196 N.J. 1 \(2007\)](#), the Court concluded that a Board member should not be removed from office merely because he or she advanced a claim "in a proceeding" against a school district involving that individual of an immediate family member's interests. [Id.](#) at 17-18. Here, no proceeding has been initiated and it has not been established that respondent had any involvement in her daughter preparing or serving the NTC.

My reasoning for finding is also supported by the caselaw that has developed which interprets the section of New Jersey School law described as "Qualifications" for office for members of local boards of education. That statute, N.J.S.A. 18A:12-2 states:

No board member of any Board of Education shall be interested directly or indirectly in any contract with or claim against the board, nor, in the case of local and regional school districts, shall he hold office as mayor or as member of the governing body of a municipality, nor, in the case of county special services school districts and county vocational school districts, shall he hold office as a member of the governing body of a county.

No evidence has been presented that would indicate that the NTC constitutes an actual claim filed against the Board. A notice of a potential claim is not a complaint filed against or a "proceeding" initiated against the board. I Find no harm to the Board as a result of receiving notice of a potential tort claim from respondent's daughter. Accordingly, I find no evidence of irreparable harm to the Board.

In Board of Educ. of City of Sea Isle City v. Kennedy, 196 N.J. 1 (2007) conducted an analysis of N.J.S.A. 18A:12-2, its application to sitting member board members, and its interplay with N.J.S.A. 18A: 12-21-23 (a/k/a the School Ethics Act, “SEA”). The Court observed that while N.J.S.A. 18A:12-2 sets out clear prohibitions against board members qualifying for a board position if they have inconsistent claims against the board, it did not require automatic removal when an inconsistent claim arises during a member’s term. While the Court had “no doubt” that an inconstant claim can be a cause for removal it did not find that removal was the only potential remedy. The Court recognized that the Commissioner of Education, who historically has heard petitions to remove a sitting board of education member for alleged conflicts of interest, has stated his willingness to engage in a fact-sensitive, case by case analysis concerning the member’s direct or indirect interest in the alleged “inconsistent “ claims. Id. at 15. The Court ultimately found that the Commissioner’s past applications of N.J.S.A. 18A:12.2 “demonstrate a willingness to engage in a careful examination of a board member’s asserted conflicting interest in a claim against the board, and further, to find that not all claims in which the board member has an interest constitute a “substantial conflict” requiring removal from office as the sole remedy.” Id. at 16.

The Court in Kennedy also recognized that many administrative decisions concerning substantial conflicts of interest of sitting board members took place prior to the enactment of the SEA and therefor the guidance provided by those decisions needed to be enlightened further by the later action of the legislature that addressed conflict of interest issues. The Court stated:

With the enactment of SEA, the legislature declared its intention " to ensure and preserve public confidence" in local school board members, by providing board members with advanced guidance on ethical conduct so that such members might conduct their personal affairs appropriately and within the bounds ethically expected. The SEA considered the advocacy interests of board members and recognized a limited need to except board members from an absolute prohibition from pursuing their family members interests in “negotiations and proceedings” involving the board. Read broadly, the latter enacted SEA could contradict N.J.S.A.18A: 2-2’s interest in prohibiting substantial conflicting claims that pit a board members

interest in a claim against the interest of the board. Implied repealers are not favored, however, and would require that we find the latter enacted statute to be utterly inconsistent or repugnant to the earlier.

We need not do so here for the two statutes are readily capable of being harmonized the legislatures authorization of a board members ability to pursue resolution of some personal issues, interests, or disagreements with a school district through negotiations and even “proceedings” is not repugnant to the earlier recognition by the Commissioner that not all “claims” against the board will require disqualification and removal from office under N.J.S.A.18A: 2-2. We view the SEA's exemption as a legislative expansion of that previously recognized, limited case-law exception to the rule against inconsistent claims. Certainly, we perceive no direct statutory conflict between the two statutes. The reconciliation of the two statutes will unfold based on fact-sensitive analysis for substantial and deeply antagonistic interests that would call into question a board member's ability to perform public duties and the public's confidence in that ability of the member to perform his or her office, notwithstanding the advancement of a personal interest through negotiations or a “proceeding”.

The legislature is exemption allowing participation in certain quote proceedings must be taken into account by the commissioner in removal actions based on N.J.S.A.18A: 2-2's prohibition against inconsistent claims. We recognize that that shall require careful case development. As a matter of fairness, the court should provide the public with advice and guidance. The legislature has recognized the value of such advanced notice about the parameters of acceptable behavior, specifically noting that the more guidance that school board members receive, the better for them and for the public that they serve.

[Id at 28-31]

Based on the court's analysis in Kennedy, I **FIND** that removal of a sitting board member when an inconsistent claim arises is not mandatory and that there needs to be a fact sensitive analysis of the alleged direct , or in this case indirect interest in the alleged inconsistent claim.

Based upon my review of the Petition for Declaratory relief and the papers filed in support of the Motion for Emergent relief, **I FIND** the petitioner has failed to establish that Irreparable harm would result if emergent relief is not granted. The NTC was filed on October 28, 2024 and the Petition for Declaratory Relief was filed on December 6, 2024. Nowhere in the Petition or the papers filed in support of the Motion is there any indication that any action has been taken by the board on the NTC or that any action on the NTC is pending and would require emergent relief. While the Board does argue that there is a meeting scheduled for December 19, 2024 and respondent's attendance and participation in that meeting would cause irreparable harm, there is no indication as to why irreparable harm would occur simply because of respondent's participation. Even if the Board had indicated that it was going to take action on the NTC, there is no reason why respondent's abstention from participation in any such discussion or board action would not protect the validity of any action taken.

2. The Legal Right Underlying the Boards Claim

The Board argues that the Supreme Court's decision in Kennedy is the controlling law. I agree. I do not agree however that the Kennedy decision support petitioner's position. Petitioner relies on the following quote from Kennedy to support its argument that the NTC in and of itself disqualified respondent from board membership:

Substantial, disqualifying conflicts of interest should be identified by type of claim, i.e. specific monetary claims by the member or a family member as in a tort claim ...

[Petitioner's Brief at p.4]

A review of the sentence preceding the above quote and the words following the ellipsis at the end, make it clear the Court was referring to an actual proceeding where claim sounding in tort was alleged and not a Notice of a potential tort claim. A clearer quote of the Court's position is as follows:

We Conclude that a board member should not be removed from office merely because he or she has advanced any claim "in a proceeding" against a school district involving that individual or an immediate family member's interest.

Substantial, disqualifying conflict's of interest should be identified either by type of claim, i.e. specific monetary claims by the member or a family member as in a tort claim, or by type of proceeding.

I do agree with petitioner's contention that claims of family members resulting in a potential benefit to the board member's household constitute an indirect conflict of interest. I do however **FIND** that those indirect claims also need to be made in a complaint or petition filed in an appropriate proceeding and not in a notice of a potential claim in a future proceeding. Petitioner has not provided support for a contrary finding.

3. The Likelihood of Prevailing on the Merits of the Underlying Claim

In support of its argument that it would ultimately prevail on the merits of their Petition, they simply state that "a declaratory ruling that Respondent is disqualified from membership on the Board is inescapable, given the statutory prohibition and authorities cited above. I disagree that the statutes and authority cited by petitioner makes a finding in petitioner's favor inescapable. For the reasons stated above. I Find that the relevant caselaw and statutes make it more likely that petitioner will not ultimately prevail on the merits of the underlying claim.

4. Balancing of the Interests

Petitioner maintains that when equities and respective interests of the Board and respondents are balanced, the Board will suffer greater harm if the requested relief is denied than respondent would suffer if it is granted. The Board maintains that its interest is that of the public and citizens of the City of Newark: the interest in having a full complement of members whose sole interest is in the students of the Newark Public Schools, and in not having one of its members hampered in her work by a conflict of interest. As with petitioner's other arguments, I disagree with them.

Respondent is an elected member of the Board who petitioner is seeking to disqualify for an allege conflict of interest which has not yet arisen. If petitioner's daughter

never files a proceeding against the board, there will never be an actual conflict. Moreover, because of the holdings in Kennedy, it is clear that any potential impact of the filing of the NTC on Petitioner can be addressed in a fact-sensitive analysis at the time of the hearing on the Petition. The fact that there has been advanced notice of a potential claim by respondents' daughter, and there is no indication that an action will be filed prior to a full hearing on the Board's Petition, there appears to be sufficient time for the parties to agree upon a process whereby respondent's involvement in her daughter's claim would be restricted.

Also, as indicated in the analysis of irreparable harm above, the Court in Kennedy recognized "the Legislature's authorization of a school board member's ability to pursue personal issues, interests, or disagreements with a school district through negotiation and even "proceedings" is not repugnant to the earlier recognition by the Commissioner that not all "claims" against the board will require disqualification and removal from office under N.J.S.A. 18A:12-2". Id. at 17. Accordingly, at the time of the hearing on the Petition, a fact-sensitive analysis of the alleged conflict of interest may even result in a determination that respondent interest is such that her abstention would not be required.

I **FIND**, after balancing the equities and interests of the parties, that respondent will suffer greater harm than the Board if the emergent relief requested by the board is granted.

In conclusion, while I have determined that standards for emergent relief have not been met, I have reached no determination as to whether a disqualifying conflict of interest will exist at the time of the hearing on Petition. Given that there will be time between my decision on this motion and the hearing on the Petition for Declaratory Ruling, I urge the parties to meet and determine if agreement can be reached on the implementation of procedures that would take place in the event petitioner's daughter files a complaint or initiates procedures against the Board.

For the reasons indicated above,

IT IS on this 19th day of December, 2024, **ORDERED** that Petitioner's motion for emergent relief is **DEINIED**.

This order on application for emergency relief may be adopted, modified or rejected by **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. The final decision shall be issued without undue delay, but no later than forty-five days following the entry of this order. If the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, does not adopt, modify or reject this order within forty-five days, this recommended order shall become a final decision on the issue of emergent relief in accordance with N.J.S.A. 52:14B-10.

A handwritten signature in cursive script, reading "William J. Courtney", with a long horizontal flourish extending to the right.

December 19, 2024

DATE

WILLIAM COURTNEY, ALJ

LIST OF MOVING PAPERS

For Petitioners:

Petitioner for Declaratory Relief;
December 6, 2024 Letter Brief;
Certification of Service;
Certification of Valarie Willson;
Notice of Motion for Declaratory Relief

For Respondent:

Respondent's Answer to Petition;
Brief in Opposition to Motion for Emergent Relief;
Certification of Akela Haynes;
Certification of Dawn Haynes