

BOARD OF EDUCATION OF THE BOROUGH :  
OF ENGLEWOOD CLIFFS, BERGEN COUNTY, :  
 :  
PETITIONER, :  
 :  
V. : COMMISSIONER OF EDUCATION  
 :  
E.S. AND W.S., on behalf of minor children, : DECISION  
A.S. and E.S. and BOARD OF EDUCATION :  
OF THE TOWNSHIP OF TEANECK, :  
BERGEN COUNTY, :  
 :  
RESPONDENT. :

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SYNOPSIS

Petitioner Englewood Cliffs Board of Education appealed the determination of the Bergen County Executive County Superintendent (ECS) that Englewood Cliffs is responsible for providing E.S. and A.S. with a free education and transportation. The ECS concluded that E.S. and A.S. and their parents are homeless and that their last domicile was in Englewood Cliffs rather than Teaneck. Petitioner contended that the family has not been homeless since November 2008 when the family moved to the house Teaneck that they still occupy, and that respondent Teaneck Board of Education is responsible for the children's public education. Respondents claim that the family is homeless, that the Teaneck residence is only temporary; and that they have been forced to remain there because of credit problems.

The ALJ found that: the S. family has lived at the same address on Fairview Avenue in Teaneck for more than seventeen months; the house in which the family resides is small and in need of repairs, but is habitable, and the family had previously lived in the same house from February 2001 until early 2002, before moving to Stuyvesant Avenue in Teaneck from early 2002 through 2006; the family had lived in Englewood Cliffs for less than two years before they were evicted from the house they rented there; and the family does not suffer from the typical financial hardships that are often related to homelessness, as both parents have been steadily employed for many years with a combined annual gross income of approximately \$104,000. Accordingly, the ALJ concluded that E.S. and A.S. are not homeless; the Fairview Avenue house has been the family's domicile since November 2008; and the Teaneck Board of Education is the school district responsible for the education and transportation of A.S. and E.S. from that date to the present. The ALJ ordered that: E.S. may be disenrolled upon issuance of this final decision; the Teaneck Board of Education must reimburse the Englewood Cliffs Board of Education for the costs of E.S.'s education and transportation since November 2008; and respondents W.S. and E.S. must reimburse the Englewood Cliffs Board of Education for the costs of transporting A.S. to her private high school.

Upon full and careful consideration, the Commissioner concurred with the ALJ's determinations, and adopted the Initial Decision as the final decision in this matter.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

June 30, 2010

OAL DKT. NO. EDU 11601-09  
AGENCY DKT. NO. 184-8/09

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon his full review, the Commissioner concurs with the Administrative Law Judge that the Fairview Avenue, Teaneck, N.J. house has been the domicile of E.S. and W.S. since November 1, 2008 and, therefore, the Teaneck Board of Education – not the Englewood Cliffs Board of Education – is the school district responsible for the education and transportation of minor children A.S. and E.S., Jr. from that date to the present.

Accordingly, the Initial Decision of the OAL is adopted for the reasons well-stated therein. The Board of Education of the Township of Teaneck is hereby ordered to reimburse the Board of Education of Englewood Cliffs for the cost of E.S., Jr.'s education and transportation from November 2008 to date. Respondents W.S. and E.S. are hereby ordered to reimburse the Board of Education of Englewood Cliffs for the costs of transporting A.S. to her private high school during this period.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: June 30, 2010

Date of Mailing: June 30, 2010

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\* 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)*.