

BOARD OF EDUCATION OF :
THE TOWNSHIP OF PISCATAWAY, :
MIDDLESEX COUNTY, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

NEW JERSEY DEPARTMENT OF EDUCATION, : DECISION
OFFICE OF SCHOOL FUNDING, AND :
BOARD OF EDUCATION OF THE BOROUGH :
OF DUNELLEN, MIDDLESEX COUNTY, :

RESPONDENT. :

:

SYNOPSIS

Petitioner challenged the determination of the New Jersey Department of Education, Office of School Funding (the Department) that Piscataway is the district with fiscal responsibility for educational services related to B.S. – a student who has been placed in a residential facility by the Department of Children and Families – for the 2007-2008 school year, pursuant to the State Facilities Education Act, *N.J.S.A. 18A:7B-1 et seq.* Petitioning Board contends that B.S.’s mother relocated to Dunellen on November 19, 2007, and accordingly his educational costs became the responsibility of the Dunellen Board of Education. Cross motions for summary decision were filed by the parties.

The ALJ found, *inter alia*, that: there are no genuine issues of material fact and the matter is ripe for summary decision; when children are placed residentially by the Department of Children and Families, local school districts remain financially responsible for their educational services; pursuant to *N.J.A.C. 6A:23A-19.2*, the present district of residence of a child in a residential facility means the New Jersey district of residence of the child’s parent(s) or guardian(s) as of the last school day prior to October 16; B.S. was placed residentially on September 27, 2007, his mother resided in Piscataway on that date, and did not relocate to Dunellen until November 19, 2007. Accordingly, the ALJ concluded that the Department’s determination that Piscataway was financially responsible for B.S. during the entire 2007-2008 school year was correct and consistent with the applicable law and regulations, and dismissed the petition.

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 for the reasons clearly stated therein.

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.

OAL DKT. NO. EDU 5063-10
AGENCY DKT. NO. 39-3/10

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Exceptions of petitioner and replies thereto of respondent Board of Education of the Borough of Dunellen – filed in accordance with the provisions of *N.J.A.C.* 1:1-18.4 – were fully considered by the Commissioner in reaching her determination herein.¹

Petitioner’s exceptions mirror the argument presented to the Administrative Law Judge (ALJ) below in its July 28, 2010 letter brief. As it is determined that this argument was fully considered and addressed in the ALJ’s decision, it will not be revisited here.

Upon her considered review, the Commissioner concurs with the ALJ that the Department correctly determined that Piscataway was B.S.’s district of residence for the 2007-08

¹ Reply exceptions of the Department were filed well beyond their regulatory due date. As no timely request for an extension of time within which to file this submission was made, and no motion with supporting affidavit was filed, such reply exceptions were not considered here.

school year and, therefore, Piscataway is responsible for the educational costs associated with his residential placement at Woods Services that school year.

Accordingly, the recommended decision of the OAL is adopted for the reasons clearly stated therein and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 8, 2010

Date of Mailing: November 8, 2010

* 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).