

N.J., on behalf of minor child, J.J., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF UNION, UNION COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner N.J. appealed the determination of the respondent Board that her son, J.J., was not eligible for a free public education in the Union Township school district. Respondent's determination was based on a residency investigation conducted during April 2014, which concluded that N.J. and J.J. were not living during that period with N.J.'s brother and sister-in-law in Union as petitioner claimed. Petitioner contended that she began living in Union in 2012 because of a heating problem in her East Orange apartment, and was never added to the lease at her brother's home because the arrangement was temporary. The Board sought to have J.J. removed from Union schools, and sought reimbursement of tuition for his ineligible attendance during the 2013-2014 and 2014-2015 school years.

The ALJ found, *inter alia*, that: petitioner's testimony lacked rationality and internal consistency, and cannot be credited; petitioner produced no documentation to support her claim that she lived at the Union Township address; the testimony of the landlord who lives on the premises of the Union Township property where petitioner claimed to live was credible, and he testified that he has seen neither N.J. nor J.J. around the property; and the Board submitted a certification establishing that the tuition for the 2013-2014 school year totaled \$13,625, and that the tuition for 2014-2015 will be calculated at the rate of \$77.58 per day for each day of ineligible attendance. The ALJ concluded that the petitioner has failed to sustain her burden of proof that she is domiciled in Union Township, while the Board's proofs are convincing and its tuition calculations are consistent with the requirements of *N.J.S.A. 18A:38-1(b)* and *N.J.A.C. 6A:22-6.2(a)*. Accordingly, the ALJ ordered that the petition be dismissed with prejudice, and granted the Board's application for tuition reimbursement in the amount of \$13,625 plus \$77.58 for each day of J.J.'s ineligible enrollment during the 2014-2015 school year.

Upon review, the Commissioner concurred with the ALJ's findings and conclusions, and adopted the Initial Decision as the final decision in this matter. Petitioner was ordered to pay the Board tuition as noted above for the 2013-2014 and 2014-2015 school years.

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 8614-14
AGENCY DKT. NO. 145-6/14

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

Upon such review, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein. Accordingly, the petitioner shall pay the Board \$13,625 in tuition costs for the 2013-2014 school year, plus \$77.58 for each day of J.J.'s ineligible enrollment in the District during the 2014-2015 school year .

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 27, 2014
Date of Mailing: October 28, 2014

* 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*).