

#27-16R (OAL Decision: Not yet available online)

B.P., on behalf of minor child, N.P., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF BURLINGTON,  
BURLINGTON COUNTY, :  
RESPONDENT. :

---

SYNOPSIS

The Commissioner issued a decision in this residency matter on October 23, 2015, which affirmed the Initial Decision of the OAL with respect to the finding that N.P. was not domiciled within the school district; however, the matter was remanded to the Office of Administrative Law for development of the record and calculation of tuition costs owed to the district for N.P.'s period of ineligible attendance in Burlington Township schools.

On remand, the ALJ found that: subsequent to the Commissioner's October 23, 2015 decision remanding the matter to the OAL, the Board filed a motion for determination of the amount of tuition due, along with an affidavit by the Board's business administrator which clarified both the last day of school for the 2014-2015 school year and the district's tuition reimbursement rate; the affidavit indicated that N.P. attended school in the district for a total of eighty-six school days between February 2, 2015 and June, 18, 2015 – which was the last day of school; the per diem tuition rate in Burlington Township for the period in question was \$107.33 per day; and the Commissioner is authorized to assess tuition where – as in the instant case – the evidence does not support the claims of the resident. Accordingly, the ALJ ordered that the respondent is entitled to reimbursement from the petitioner in the amount of \$ 9,230.38.

Upon review, the Commissioner concurred with the ALJ's findings and conclusions, and adopted the Initial Decision on remand as the final decision in this matter. Accordingly, B.P. shall reimburse the Board \$9,230.38 in tuition costs for N.P.'s ineligible attendance in the Burlington Township School District from February 2, 2015 through June 18, 2015.

<p>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.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

January 28, 2016

OAL DKT. NO. EDU 17253-15  
(EDU 8697-15 ON REMAND)  
AGENCY DKT. NO. 119-5/15

B.P., on behalf of minor child, N.P., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF BURLINGTON,  
BURLINGTON COUNTY, :  
RESPONDENT. :

---

The record of this residency matter – which was remanded to the Office of Administrative Law in October 2015 for calculation of tuition costs owed to the school district -- and the Administrative Law Judge’s Initial Decision on remand 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, B.P. shall reimburse the Board \$9,230.38 in tuition costs for N.P.’s ineligible attendance in the District from February 2, 2015 to June 18, 2015.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: January 28, 2016

Date of Mailing: January 28, 2016

---

\* 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*).