

201-17 (OAL Decision: Not yet available online)

L.L., ON BEHALF OF MINOR CHILD, J.L., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE TOWN : DECISION  
OF BOONTON, MORRIS COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

*Pro se* petitioner appealed the determination of the respondent Board to remove his daughter, J.L., from Boonton High School because her address is in Boonton Township and not in Boonton. Petitioner and his family had moved from Nevada to petitioner’s mother-in-law’s home on Oak Road – the same address where J.L.’s older relatives grew up and attended Boonton High School. Petitioner contends that J.L. was enrolled as a sophomore at Boonton High School – in person – in August 2016, and the school district failed to make them aware that J.L. should have been enrolled at Mountain Lakes High School – the high school that now educates students domiciled in Boonton Township – until January 2017. The Board contended that J.L. was not entitled to a free education at Boonton High School, and sought tuition reimbursement for the 2016-2017 school year.

The ALJ found, *inter alia*, that: petitioner provided credible testimony and documents to show that J.L. and her family moved into her grandmother’s home on Oak Road in August 2016, and that J.L.’s mother enrolled her in Boonton High School the same month; the enrollment application was accepted and J.L. was permitted to enroll at Boonton High School while residing on Oak Road in Boonton Township; the Board argued that – subsequent to re-districting approved in January 1992 – residents of Boonton Township do not attend Boonton High School, but rather must attend Mountain Lakes High School; petitioner did not become aware that his daughter was attending the wrong high school until the Board met with him on January 23, 2017; petitioner and his family were not domiciled in the Boonton during the 2016-2017 school year; however, J.L.’s application to attend Boonton High School was accepted and she was permitted to be enrolled, and did not become aware that she was attending the wrong high school until January 2017. Based on the petitioner’s credible testimony, the ALJ concluded that it was through no fault of the parents that they were not informed in August 2016 that J.L. could not attend Boonton High School. Accordingly, the ALJ ordered petitioner to reimburse the Board for the cost of tuition from February 13, 2017 (twenty-one days after notice) to the end of the 2016-2017 school year, at the rate of \$92.00 per day.

Upon review, the Commissioner concurred with the ALJ’s findings and conclusions, and adopted the Initial Decision of the OAL as the final decision in this matter. Petitioner was ordered to reimburse the Board in the total amount of \$7,452.00 for the period of J.L.’s ineligible attendance.

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.

July 18, 2017

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed.<sup>1</sup> The parties did not file exceptions.

Upon such review, the Commissioner concurs with the Administrative Law Judge's (ALJ) finding that petitioner failed to sustain his burden of establishing that he was a domiciliary of Boonton for the 2016-2017 school year. The Commissioner further concurs with the ALJ's conclusion that the minor child was, therefore, not entitled to a free public education in the District's schools during that time.

Pursuant to *N.J.S.A. 18A:38-1b*, the Commissioner shall assess tuition against petitioner for the time period during which the minor child was ineligible to attend school in Boonton. Here, the Commissioner agrees with the ALJ that, because petitioner only became aware on January 23, 2017 that his home was in Boonton Township rather than Boonton – and that it was through no fault of petitioner's that the minor child was accepted into the District – the Board is only entitled to reimbursement from February 13, 2017 (twenty-one days after notice) to the end of the school year on June 21, 2017. Therefore, the Board is entitled to tuition

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<sup>1</sup> The Commissioner was not provided with a transcript of the June 7, 2017 hearing at the OAL.

reimbursement in the amount of \$7,452.00 (\$92 per day for 81 days between February 13, 2017 and June 21, 2017).

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter. Petitioner is directed to reimburse the Board in the amount of \$7,452.00 for tuition costs incurred during the time period that J.L. was ineligible to attend school in Boonton. The petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: July 18, 2017

Date of Mailing: July 19, 2017

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<sup>2</sup> 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).