

J.B. on behalf of minor child, T.B., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF WOOD-RIDGE,
BERGEN COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner appealed the determination of the respondent Board that her child is not eligible for a free public education in the Wood-Ridge school district; the Board’s determination relied upon the representation of S.B. – T.B.’s father, who is divorced from J.B. – that T.B. was living full-time with him in Hasbrouck Heights. Petitioner contended that she and S.B. share joint custody, but that J.B. is the “parent of primary residence.”

The ALJ was informed by the respondent Board’s attorney in a prehearing conference that there would be no appearance on the Board’s behalf and that the respondent would rely on the petitioner’s testimony and papers, which were presented at an *ex parte* hearing on June 28, 2012. The ALJ found, *inter alia*, that: J.B. credibly clarified the basis for S.B.’s representation regarding T.B.’s residency, *i.e.*, that for a period of approximately one month during the fall of 2011, T.B. spent more time with S.B. as a result of a heated argument between T.B. and his mother, but that T.B. has lived with J.B. since the divorce, and this is reflected on his driver’s license and by the fact that T.B. was employed as a summer youth recreation counselor in Wood-Ridge – a position afforded only to residents of Wood-Ridge borough; it is undisputed that J.B. is domiciled in Wood-Ridge and is the primary guardian of T.B.; the record soundly reflected proof of T.B.’s domicile in Wood-Ridge; and the Board did not present any evidence to the contrary. Accordingly, the ALJ concluded that T.B. is entitled to a free public education in Wood-Ridge schools.

Upon a full and independent review, the Commissioner concurred with the findings and conclusion of the ALJ. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this case.

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 4967-12
AGENCY DKT. NO. 30-2/12

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Upon review of the record of this matter and the Initial Decision of the Office of Administrative Law,¹ the Commissioner adopts the Initial Decision as the final decision in this case. Accordingly, petitioner's minor child, T.B., is deemed to be domiciled in respondent's district and respondent's determination that T.B. was ineligible to receive a free public education in Wood-Ridge is reversed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: September 17, 2012

Date of Mailing: September 18, 2012

¹ Neither party filed exceptions. Indeed, respondent declined to appear at the hearing and advised that it would accept the Commissioner's determination.

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).