

BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF EAST BRUNSWICK,	:	
MIDDLESEX COUNTY,	:	COMMISSIONER OF EDUCATION
PETITIONER,	:	
	:	DECISION
V.	:	
C.C. and C.C., on behalf of minor children,	:	
L.C. and A.C.,	:	
RESPONDENTS.	:	
_____	:	

SYNOPSIS

The petitioning Board sought tuition reimbursement from respondents for a period of fifty days, from April 1, 2012 through June 21, 2012. The Board asserted that the respondents – who share custody of L.C. and A.C. – are not domiciled in East Brunswick, and their children were therefore not entitled to a free public education in the district’s schools. Respondents contended that the father, C.C., continued to be domiciled in East Brunswick during the time period in question, after the mother had moved to Old Bridge in March 2012. A hearing at the Office of Administrative Law (OAL) was scheduled for April 4, 2012, but the respondents failed to appear despite having received appropriate notice and provided no explanation for their nonappearance. Counsel for the petitioning Board did appear at the hearing, and the matter proceeded forward on the issues of domicile and cost of tuition.

The ALJ found that: respondents failed to appear at the plenary hearing and present any documentary evidence or testimony to refute the petitioning Board’s proofs, which included the results of a residency investigation showing that the children were not domiciled in East Brunswick during the period in question; the Board presented testimony in support of its claim for tuition which stated that L.C. and A.C. continued to attend public schools in its district for a total of 50 days following the mother’s move to Old Bridge; the tuition cost for this period for A.C. was \$55.33 per day, totaling \$2,766.50; the tuition cost for L.C. was \$68.49 per day, totaling \$3,424.50. Accordingly, the ALJ affirmed the petitioning Board’s determination that the children were not domiciled in the school district from April 1 to June 21, 2012, and ordered respondents to reimburse the Board for the cost of tuition in the amount of \$6,191.

The Commissioner concurred with the ALJ’s findings and conclusion, and adopted the Initial Decision as the final decision in this matter.

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.

May 21, 2013

OAL DKT. NO. EDU 14958-12
AGENCY DKT. NO. 301-10/12

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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. The respondents are hereby ordered to reimburse the Board for tuition in the amount of \$6,191.00.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 21, 2013

Date of Mailing: May 21, 2013

* 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*).