

M.H. on behalf of minor children, M.L., :
J.L. AND X.L., :
PETITIONER, : COMMISSIONER OF EDUCATION
: DECISION
V. :
: BOARD OF EDUCATION OF THE
BOROUGH OF BOGOTA, :
BERGEN COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner filed an appeal of the residency determination of the respondent Board. A counterclaim for reimbursement of tuition was filed by the Board, and the matter was transmitted to the Office of Administrative Law (OAL) for a hearing. The parties appeared on May 8, 2013 at a pre-hearing conference and advised that they had settled all issues, but the agreement needed to be approved by the school board. Subsequently, petitioner failed to respond to requests that she sign the settlement agreement; she also withdrew her children from respondent's schools.

The ALJ found, *inter alia*, that: petitioner's children were denied continued enrollment in respondent's schools because she failed to provide proof of residency in Bogota; petitioner has not participated in any proceeding since May 2013, nor has she responded to any request or notice to sign the settlement agreement; petitioner failed to comply with the agreed upon settlement; petitioner's children did not attend Bogota schools during the 2013-2014 school year, the threshold issue of residency is now moot; and the respondent Board requested a dismissal of this matter because of inactivity and petitioner's non-compliance. Accordingly, the ALJ concluded that since petitioner failed to respond and comply with the terms of the settlement agreement, and the children have ceased attending the Board's schools, the matter should be dismissed.

The Commissioner concurred with the ALJ that the matter is appropriately dismissed, determined that no further relief is warranted, and dismissed the petition.

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 16510-12
AGENCY DKT. NO. 312-10/12

M.H. on behalf of minor children, M.L., J.L. AND X.L.,	:	
	:	COMMISSIONER OF EDUCATION
PETITIONER,	:	
	:	DECISION
V.	:	
	:	
BOARD OF EDUCATION OF THE BOROUGH OF BOGOTA, BERGEN COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

The matter before the Commissioner was instituted as a challenge to respondent’s determination that petitioner’s children were not domiciled in Bogota and consequently ineligible for a free education in respondent’s school district. The case was transmitted to the Office of Administrative Law (OAL) on December 14, 2012, and on May 8, 2013 the parties disclosed to the assigned Administrative Law Judge (ALJ) that they had settled all issues. Counsel for respondent advised that after respondent’s Board approved the settlement, he would submit a settlement document executed by both parties.

In the Initial Decision, the ALJ indicates that no settlement agreement was ever provided to her, and that respondent’s counsel had at some point represented to her that petitioner had not responded to his requests that she sign the agreement. Since petitioner withdrew her children from respondent’s schools and would not sign the settlement, respondent – according to the ALJ – asked that the petition be dismissed. On November 14, 2014, the ALJ

issued a decision recommending such a dismissal, and the Commissioner concurs with the recommendation.

Accordingly, the petition is dismissed and no further relief is warranted.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 23, 2014

Date of Mailing: December 23, 2014

¹ 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*.