

356-18R

OAL DKT. NO. EDU 6472-18
(ON REMAND EDU 17468-17)
AGENCY DKT. NO. 258-11/17

T.S. and C.S., on behalf of minor child, S.S.,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE BOROUGH	:	DECISION
OF TOTOWA, PASSAIC COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

The record of this matter on remand and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon the review of the record, the Commissioner is in accord with the ALJ’s conclusion – for the reasons set forth in the Initial Decision – that the issues raised by the petitioner are moot. Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is hereby dismissed as moot.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: November 8, 2018

Date of Mailing: November 8, 2018

¹ 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).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 06472-18

AGENCY DKT. NO. 258-11/17

(ON REMAND EDU 17468-17)

T.S. AND C.S. ON BEHALF OF MINOR CHILD S.S.,

Petitioners,

v.

**BOARD OF EDUCATION OF THE BOROUGH
OF TOTOWA, PASSAIC COUNTY,**

Respondent.

Leonard S. Miller, Esq. for petitioners

Raymond B. Reddin, Esq., for respondent

Record Closed: October 2, 2018

Decided: October 3, 2018

BEFORE **KIMBERLY A. MOSS, ALJ:**

STATEMENT OF THE CASE

Petitioners T.S., Sr., and C.S. challenges the Board of Education of the Borough of Totowa's (respondent or Board) residency determination of S.S. At its meeting held

on September 27, 2017, the Board voted to remove S.S. from its school district. Petitioners were advised of the determination and requested a hearing.

PROCEDURAL HISTORY

The matter was transmitted to the Office of Administrative Law (OAL) on November 28, 2017, for hearing as a contested case. The matter was initially assigned to ALJ Candido but reassigned to the undersigned on February 12, 2018. The hearing was scheduled and heard on February 12, 2018. The parties submitted closing brief on March 12, 2018. The undersigned rendered a decision was rendered on March 28, 2018 but the matter was remanded to OAL for by Order dated May 4, 2018. A hearing date was scheduled for October 3, 2018. On October 2, 2018, petitioner's counsel submitted a letter requesting the matter be dismissed, as the matter is moot. Under my direction, my assistant contacted respondent's counsel, via email, to inquire if he had any opposition to the matter being dismissed. Respondent's counsel sent a reply stating "no opposition." Said letter and email are attached hereto for reference.

CONCLUSION AND ORDER

Based on the foregoing, I **CONCLUDE** this matter is no longer a contested case at OAL and is hereby **DISMISSED**.

I hereby **FILE** this Initial Decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, P.O. Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

October 3, 2018



DATE

KIMBERLY A. MOSS, ALJ

Date Received at Agency:

October 3, 2018

Date Mailed to Parties:

October 3, 2018

ljb

DOCUMENTS RELIED ON

- Letter from Leonard Miller, dated October 2, 2018
- Email chain dated October 2, 2018