

New Jersey Commissioner of Education

Final Decision

L.B., on behalf of minor child, B.C.,

Petitioner,

v.

Board of Education of the Township of
Washington, Gloucester County,

Respondent.

Synopsis

Pro se petitioner appealed the determination of the respondent Board that B.C. has not resided within the Washington Township School District since July 6, 2019 and is therefore not eligible to receive a free public education in Washington Township Public Schools. The Board filed a motion for summary decision, which petitioner failed to answer, and sought reimbursement of tuition for the period of B.C.'s ineligible attendance.

The ALJ found, *inter alia*, that: there are no material facts at issue in this case, and the matter is ripe for summary decision; petitioner notified the Board at the end of the 2018-2019 school year that she was moving from her previous address in Sewall to an address in Pine Hill, which is located outside of the respondent's school district; however, B.C. was never registered in Pine Hill schools, and continued to attend Washington Township schools for the 2019-2020 school year; pursuant to *N.J.S.A.* 18A:38-1(b)(2), petitioner has the burden of proof in a determination of residency; and petitioner has offered no competent proof that she and B.C. were domiciled within Washington Township after July 6, 2019. The ALJ concluded that B.C. was not entitled to receive a free public education in the Washington Township School District following the 2018-2019 school year; accordingly, the respondent Board is entitled to reimbursement for tuition costs in the amount of \$18,077 for the 2019-2020 school year, plus \$100.43 per school day from the beginning of the 2020-2021 school year through the date of this decision, during which time petitioner's minor child was ineligible to attend school in respondent's district.

Upon review of the record in this matter, the Commissioner concurred with the ALJ's findings and conclusion. The Initial Decision was adopted as the final decision in this matter, and the petitioner was ordered to reimburse the Board for tuition in the amount of \$18,077, plus \$100.43 for every school day during the 2020-2021 school year that B.C. attended Washington Township schools. The petition was dismissed.

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.

January 12, 2021

New Jersey Commissioner of Education
Decision

L.B., on behalf of minor child, B.C.,

Petitioner,

v.

Board of Education of the Township of
Washington, Gloucester County,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed.¹

Upon review, the Commissioner concurs with the Administrative Law Judge's (ALJ) finding that petitioner failed to sustain her burden of establishing that she was a domiciliary of Washington Township from July 6, 2019 to the present, or that her minor child, B.C., resided with a domiciliary of Washington Township who was responsible for B.C.'s care and support. The Commissioner further concurs with the ALJ's conclusion that B.C. 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 Washington Township. Therefore, the Board is entitled to tuition reimbursement in the amount

¹ Correspondence sent by petitioner, which the Commissioner deems to be her exceptions, were not timely pursuant to *N.J.A.C.* 1:1-18.5 and were therefore not considered by the Commissioner.

of \$18,077 for the 2019-2020 school year, plus \$100.43 per school day from the beginning of the 2020-2021 school year to the date of this decision, during which time petitioner's minor child was ineligible to attend school in respondent's district.

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 \$18,077 for the 2019-2020 school year, plus \$100.43 per school day from the beginning of the 2020-2021 school year to the date of this decision, for tuition costs incurred during the time period in which B.C. was ineligible to attend school in Washington Township. The petition of appeal is hereby dismissed.

IT IS SO ORDERED. ²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 12, 2021
Date of Mailing: January 12, 2012

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION GRANTING
RESPONDENT'S MOTION FOR
SUMMARY DECISION

OAL DKT. NO. EDU 07411-20

AGENCY DKT. NO. 103-5/20

L.B. O/B/O B.C.,

Petitioner,

v.

BOARD OF EDUCATION OF THE
TOWNSHIP OF WASHINGTON,
GLOUCESTER COUNTY,

Respondent.

L.B., petitioner, pro se

Lauren E. Tedesco, Esq. on behalf of respondent (Capehart & Scatchard, P.A.,
attorneys)

Record Closed: November 18, 2020

Decided: December 1, 2020

BEFORE **DOROTHY INCARVITO-GARRABRANT**, ALJ:

STATEMENT OF THE CASE

Appellant, L.B. (appellant), on behalf of minor child B.C., challenges the determination made by the respondent, Board of Education of the Township of

Washington (respondent), that the minor student has not resided in Washington Township (Washington), since July 6, 2019, and is ineligible to attend school in respondent's district. The respondent seeks dismissal of appellant's appeal and payment of tuition and costs by appellant for the number of days B.C. attended school in its district, while ineligible to do same.

PROCEDURAL HISTORY

On March 12, 2020, appellant filed an appeal for residency on behalf of B.C. to determine their eligibility to enroll in respondent's school district. The Department of Education Bureau of Controversies and Disputes transmitted this case to the Office of Administrative Law (OAL) on June 11, 2020, for a hearing pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14 F-1 et seq..

A prehearing conference was held on September 21, 2020. Respondent advised that it had previously filed the instant motion for summary decision. Appellant advised that she understood the motion was filed. She further advised that she would respond to and oppose the motion. A prehearing order was entered on September 23, 2020. It provided for a briefing schedule, status conference, and hearing dates. Pursuant to paragraph 13 of the prehearing order, appellant's opposition to the motion was due on October 19, 2020. No opposition was received. The ordered status conference was held on November 12, 2020. Appellant failed to appear for the conference. As a result, an Order was entered on November 13, 2020, which canceled the hearing dates and required appellant to file her opposition to respondent's motion for summary decision by November 18, 2020. No opposition to the motion was received.

FACTUAL DISCUSSION AND LEGAL ARGUMENTS

Findings of Fact

The material facts were uncontroverted and I **FIND** as **FACT** the following:

Appellant is the biological mother of B.C., who is seventeen years old, and enrolled in respondent's high school. (R-A.) Appellant is also the biological mother of two other students who attend school in respondent's district. Their biological father is L.R.. Those students are the half-siblings of B.C. (R-C.) All three siblings have attended respondent's schools continuously for five years prior to June 2019 and specifically during the time period of June 2018 through June 2019. (R-D, R-E.) During that time, petitioner, B.C., the two half-siblings, and L.R. were domiciled at XXX Aldeberan Drive, Sewell, New Jersey. (R-D.)

On June 19, 2019, appellant emailed respondent's Student Registration, Data and Information Manager stating that she had moved outside the district to Pine Hill, New Jersey. Petitioner inquired whether all three children could remain in respondent's school district, due to a financial hardship which caused her to relocate. (R-E.) On the same date, respondent denied petitioner's request and directed petitioner to contact her children's high school and elementary school to transfer their academic and health records to the Pine Hill School District for the 2019-2020 school year. (R-F.) Petitioner's new lease, dated June 25, 2019, provided for her tenancy at XXX Blackwood-Clementon Road, #XXX, Pine Hill.³ (R-G.) The term of the lease was July 6, 2019 through July 30, 2020.

On July 31, 2019, L.R. completed a Change of Address notification for his biological children, the two half-siblings of B.C.. He provided his old address of XXX Aldeberan Drive, Sewell, and his new address XXX Cascade Court, Sewell. His children were transferred from Thomas Jefferson Elementary School to Birches Elementary School, both of which are within respondent's district. L.R. represented that both children resided with him at the new address. L.R. provided a lease for the Cascade Court residence that reflected he lived there with his significant other, R.H. The term of the lease was from August 1, 2019 through July 31, 2020. (R-H.) Respondent unilaterally changed B.C.'s address to the Cascade Court address, because petitioner had not completed B.C.'s transfer out of respondent's district by July 31, 2019.

³ This is address provided by petitioner when she filed the instant appeal.

On November 18, 2019, respondent received an anonymous note stating that B.C. did not live in its district. (R-I.) Respondent conducted a residency investigation. On January 24, 2020, the respondent's residency officer met with R.H., who explained that B.C. did not live at her home at the Cascade Court address. She further advised that B.C. never resided at that address with her. R.H. stated that B.C. resides with appellant at the XXX Blackwood-Clementon Road address. On the same date, R.H. provided an email to the respondent memorializing this information. (R-J.) On February 5, 2020, the respondent emailed R.H. to confirm B.C.'s address. (R-K.) R.H. noted that she and L.R. never requested to have B.C.'s address changed to the Cascade Court address. (R-K.)

Subsequently, on February 6, 2020, respondent issued a Notice of Ineligibility and Pending Board of Education Hearing for Disenrollment to appellant based upon her domicile in Pine Hill and the respondent's residency investigation. The notice advised petitioner that she was entitled to a hearing before respondent's Board of Education. It further advised that "[i]f the Board of Education determines your child is, in fact, ineligible for enrollment in the Washington Township Public Schools, the Board may assess tuition for the period of time for which she . was deemed ineligible (annual rate: \$18,077)." (R-L.) The residency hearing was held on February 18, 2020. During the hearing, the petitioner stated as follows: "I reside in Pine Hill." (R-N.) The petitioner also represented that L.R. was not B.C.'s biological father. Although petitioner identified B.C.'s biological father, appellant did not provide any information about whether he had any custodial rights or was domiciled in respondent's district. Petitioner did not provide any Family Court custody orders to respondent and did not provide any guardianship order showing that L.R. was responsible for B.C. like a parent would be. (R-N.) As a result, the Board determined that B.C. was ineligible to attend the schools in its district and disenrolled B.C.

Petitioner is domiciled at XXX Blackwood-Clementon Road, #XXX, Pine Hill, New Jersey. Petitioner relocated to that address on July 6, 2019, which was the beginning of the term of her lease for that residence. (R-G.) Petitioner and B.C. have not resided in respondent's district since that date. B.C. is ineligible for public education in

respondent's district. B.C. has not resided with L.R. in respondent's district after June 2019. Petitioner has refused to transfer B.C. to the Pine Hill school district. Petitioner was aware that she would be required to pay tuition for the days B.C. attended respondent's school district when she was actually ineligible to do so. On February 19, 2020, respondent issued a Final Notice of Ineligibility to petitioner. (R-O.) This Final Notice advised petitioner of her rights to appeal and that she may be assessed tuition for any period of ineligible attendance. It further advised petitioner that tuition would be calculated on the basis of 1/180 of the total annual per pupil cost of \$18,077 multiplied by the number of ineligible days. (R-O.)

On March 12, 2020, petitioner faxed her appeal of the Board's decision to the Commissioner of Education from respondent's registration office. On March 21, 2020, all New Jersey Schools were closed by Governor Murphy by Executive Order 107, due to the COVID-19 pandemic and a transition to remote learning occurred. On May 20, 2020, respondent contacted the Office of Controversies and Disputes (Office) regarding the instant appeal. They advised they had not received the faxed request for the appeal on March 12, 2020. On May 21, 2020, respondent mailed the appeal to the Office. (R-Q.) On May 22, 2020, the appeal was received by the Office.

Petitioner did not oppose this instant motion. Petitioner emailed respondent's counsel on November 12, 2020, after failing to appear for the status conference, advising she was involved in family court litigation and that B.C. was experiencing some mental health concerns. However, petitioner never provided any competent evidence to support her allegations or to explain the relevance of any family court motion to the issues raised in the instant appeal given the fact that L.R. is not B.C.'s biological or adoptive father. B.C. was ineligible to attend school in respondent's district for the entire 2019-2020 school year. B.C. continues to be ineligible to attend school in respondent's district to the present.

Respondent is entitled to reimbursement for tuition by the petitioner in the total amount of \$23,500.22 for B.C.. The total reimbursement petitioner owes to respondent for the 2019-2020 school year is \$18,077. Respondent is entitled to reimbursement for tuition by the petitioner in the sum of \$5,423.22, (54 days x \$100.43), for B.C. for the

period of September 8, 2020 through December 1, 2020. Petitioner is further responsible to reimburse respondent for any tuition for days after the issuance of this initial decision through the entry date of the Final Decision.

Legal Argument

For respondent

First, respondent argued that summary decision in its favor dismissing appellant's appeal is appropriate because no genuine issue of material fact exists. Brill v. Guardian Life Ins. Co. of America, 142 N.J. 520 (1995).

Second, respondent argued that a student is eligible to attend a school district if the student is between five and twenty years of age and is domiciled within the school district. N.J.S.A. 18A:38-1(a); N.J.A.C. 6A:22-3.1(a). "A student is domiciled in the school district when he or she is the child of a parent or guardian whose domicile is located within the school district." N.J.A.C. 6A:22-3.1(a)(1).

If a student does not have the right to attend the school district, the Commissioner may assess tuition. N.J.A.C. 6A:22-6.2; N.J.A.C. 6A:22-6.3. Tuition may be assessed for the period during which the hearing and decision on appeal were pending, and for one year of the student's ineligible attendance prior to filing the appeal, including the twenty-one-day period to file the appeal. N.J.A.C. 6A:22-6.2(a); S.L. o/b/o J.L. J.L., and O.L. v. Board of Educ. Of Twp. Of Union, 2015 WL 4410098 (N.J.Ad. June 4, 2015), aff'd. and modified, (Comm'r of Educ. July 8, 2015); C.E. obo minor child K.E. v. Twp. Of West Orange Bd. Of Educ., EDU 09617-19, 2019 WWL 7600050 (December 6, 2019), adopted, Commissioner (January 9, 2020).

Respondent argued that petitioner and B.C. have not been domiciled in respondent's district since July 6, 2019. L.R. is not B.C.'s biological father. L.R. does not have any legal or custodial right to B.C.. Petitioner's appeal was filed using her Pine Hill address. Respondent argued that a preponderance of evidence demonstrates that

B.C. is domiciled in Pine Hill for the 2019-2020 school year and the 2020-2021 school year to the present date. Pursuant to N.J.S.A. 18A:38-1(b), the tuition is required to be calculated on the basis of 1/180 of the \$18,077 total annual cost to respondent multiplied by the number of days of ineligible attendance. Respondent calculated that their daily tuition reimbursement for the 2019-2020 school year was \$100.43 per day.

For petitioner

Petitioner did not file opposition to the motion.

LEGAL DISCUSSION AND CONCLUSIONS

The respondent seeks relief pursuant to N.J.A.C. 1:1-12.5, which provides that summary decision should be rendered “if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” Our regulation mirrors R. 4:46-2(c) which provides that “the judgment or order sought shall be rendered if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law.”

A determination whether a genuine issue of material fact exists that precludes summary decision requires the judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational fact finder to resolve the allegedly disputed issue in favor of the non-moving party. Our courts have long held that “if the opposing party offers . . . only facts which are immaterial or of an insubstantial nature, a mere scintilla, ‘fanciful frivolous, gauzy or merely suspicious,’ he will not be heard to complain if the court grants summary judgment.” Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995) (citing Judson v. Peoples Bank and Trust Co., 17 N.J. 67, 75 (1954)).

The “judge’s function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” Brill, at 540, (citing Anderson v. Liberty Lobby, 477 U.S. 242, 249, 106 S. Ct. 2505, 2511, 91 L. Ed. 2d 202, 213 (1986)). When the evidence “is so one-sided that one party must prevail as a matter of law,” the trial court should not hesitate to grant summary judgment. Liberty Lobby, 477 U.S. at 251-252, 106 S. Ct. at 2512, 91 L. Ed. 2d at 214. Appellant’s statements to the respondent in her email dated November 12, 2020 to respondent’s attorney, indicating that she was involved in family court litigation and inferred that that litigation would impact this appeal, were unsupported and not credible, because appellant has not provided any court orders or documents in the one and one-half years since she relocated to Pine Hill showing that L.R. had custodial or guardianship rights to B.C. or that she was likely to prevail in the family court on this issue. L.R.’s actions in transferring his biological children, B.C.’s half-siblings, and not B.C. to his new residence is illuminating in this regard. As a result, appellant’s unsupported statements were wholly insufficient to create a genuine issue of material fact, which would preclude summary decision. They do not even demonstrate a mere scintilla of credible facts.

Following the Brill standard, after considering all the papers and evidence filed in support respondent’s motion for summary decision and no opposition having been received, I **CONCLUDE** that there are no genuine issues of material fact that require a plenary hearing and that this matter is ripe for summary decision.

At issue is whether B.C. is entitled to a free education in respondent’s district under N.J.S.A. 18A:38-1, which provides that public schools shall be free to persons over five and under twenty years of age who are “domiciled within the school district.” See V.R. ex rel A.R. v. Hamburg Bd. of Educ., 2 N.J.A.R. 283, 287 (1980), aff’d, State Bd., 1981 S.L.D. 1533, rev’d on other grounds sub nom. Rabinowitz v. N.J. State Bd. of Educ., 550 F. Supp. 481 (D.N.J. 1982) (New Jersey requires local domicile, as opposed to mere residence, in order for a student to receive a free education). B.C. is seventeen years old. Therefore, I **CONCLUDE** B.C. meets the age requirements and is entitled to a free public education.

A person who meets age requirements and is domiciled within a school district may attend its public schools free of charge. N.J.S.A. 18A:38-1(a). A person may have many residences, but only one domicile. Somerville Bd. of Educ. v. Manville Bd. of Educ., 332 N.J. Super. 6, 12 (App. Div. 2000), aff'd, 167 N.J. 55 (2001). A child's domicile is normally that of his or her parents. Ibid. The domicile of a person is the place where he has his true, fixed, permanent home and principal establishment, and to which whenever he is absent, he has the intention of returning, and from which he has no present intention of moving. In re Unanue, 255 N.J. Super. 362, 374 (Law Div. 1991), aff'd, 311 N.J. Super. 589 (App. Div.), certif. denied, 157 N.J. 541 (1998), cert. denied, 526 U.S. 1051, 119 S. Ct. 1357, 143 L. Ed. 2d 518 (1999).

Further, N.J.A.C. 6A:22-3.2, provides in pertinent part as follows:

(a) A student is eligible to attend the school district pursuant to N.J.S.A. 18A:38-1b if he or she is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.

1. A student is not eligible to attend a school district pursuant to this provision unless:

i. The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education; and

ii. The person keeping the student has filed, if so required by the district board of education:

(1) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a time longer than the school term, and will assume all personal obligations for the student pertaining to school requirements; and

(2) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without written lease, or a mortgage or tax bill if an owner.

The acts, statements, and conduct of the individual, as viewed in the light of all the circumstances, determine a person's true intent. Collins v. Yancey, 55 N.J. Super. 514, 521 (Law Div. 1959). The parent has the burden of proof by a preponderance of the evidence. N.J.S.A. 18A:38-1(b)(2).

Here, no competent evidence was produced demonstrating that petitioner resided in Washington, or that B.C. ever resided with L.R. in Washington after July 2019. No competent evidence was produced by petitioner showing that L.R. had custody or guardianship of B.C., or that B.C. resided with him and that he was responsible for her care and support, as if he was her parent. Petitioner failed to provide any proof that B.C. was domiciled with L.R. in Washington at any time material to this matter.⁴

The record reflects that petitioner and B.C. relocated to Pine Hill on July 6, 2019, as evidenced by the lease for her XXX Blackwood-Clementon, #XXX, Pine Hill residence, which petitioner voluntarily provided to respondent. Petitioner admitted she lives at that address. Petitioner admitted that L.R. is not B.C.'s biological father.

Petitioner's statements and actions show a course of conduct designed and engaged in intentionally to keep B.C. enrolled in respondent's district for its free education, when she knew she and B.C. no longer resided in the district. In this regard, on June 19, 2020, petitioner advised respondent that she had relocated to a new residence located at XXX Blackwood-Clementon Road, #XXX, Pine Hill, New Jersey and she provided her lease for this new residence showing she would be residing at that address commencing on July 6, 2019. Despite respondent's direction, petitioner failed to complete the documents required to transfer B.C. to the Pine Hill school district.

Petitioner did not reside in respondent's district for the entire 2019-2020 school year and from the beginning of the 2020-2021 school year to the present. Pine Hill was her true, fixed, and permanent home. Pine Hill was the property to which, whenever

⁴ Petitioner's other children, (B.C.'s two half-siblings), were appropriately domiciled with their biological father, L.R., within respondent's district at all times material and relevant herein.

she was absent, she intended to, and did, return. This is where the petitioner and B.C. ate, slept, and resided. Pine Hill was their domicile.

Accordingly, in light of all of the facts and circumstances, I **CONCLUDE** that B.C. was not entitled to a free public education in the respondent's district. I **CONCLUDE** petitioner failed to satisfy her burden of proof that B.C. was domiciled with L.R. at his address in Washington and that he was caring and providing for her as if he was her parent. I **CONCLUDE** respondent did not act in an arbitrary and capricious manner in this matter. I **CONCLUDE** summary decision in favor of respondent is appropriate.

N.J.S.A. 18A:38-1(b)(1) provides that when the evidence does not support the claim of the resident, the resident shall be assessed tuition "for the student prorated to the time of the student's ineligible attendance in the school district. Tuition shall be computed on the basis of 1/180 of the total annual per-pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the commissioner are enforced." The record reflects that the actual cost of each of petitioner's child's attendance in district during the 2019-2020 school year was \$100.43 per day equaling \$18,077 per annum.

Accordingly, I **CONCLUDE** that the District is entitled to reimbursement for tuition for B.C. by the petitioner in the total amount of \$23,500.22. I **CONCLUDE** the total reimbursement petitioner owes to respondent for the 2019-2020 school year is \$18,077. I further **CONCLUDE** that the respondent is entitled to reimbursement for tuition by the petitioner in the sum of \$5,423.22, (54 days x \$100.43) for the period of September 8, 2020 through December 1, 2020. I **CONCLUDE** petitioner is further responsible to reimburse respondent for any tuition for days after the issuance of this initial decision through the entry date of the Final Decision.

ORDER

It is **ORDERED** that the determination of the respondent, Township of Washington Board of Education, that B.C. was not domiciled in the Township of

Washington School District for the 2019-2020 school year and the period between September 8, 2020 through December 1, 2020 is **AFFIRMED**.

It is, therefore, **ORDERED** that petitioner pay respondent, Township of Washington Board of Education, tuition in the total amount of \$23,500.22 for ineligible attendance in the District schools for the periods stated above.

It is further **ORDERED** petitioner is further responsible to reimburse respondent for any tuition for days of ineligible after the issuance of this initial decision through the entry date of the Final Decision.

It is further **ORDERED** that B.C.'s domicile be changed from Township of Washington to Pine Hill.

It is hereby **ORDERED** that Respondent's motion for summary decision is **GRANTED**. Petitioner's appeal is **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, PO 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.

December 1, 2020
DATE

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DOROTHY INCARVITO-GARRABRANT, ALJ

Date Received at Agency

Date Mailed to Parties:

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EXHIBITS

For petitioner

None

For respondent

- R-A B.C.'s Birth Certificate
- R-B Certification of Katherine Carey, respondent's Director of Assessment, Data Technology, Registration and School Community Outreach, dated June 10, 2020
- R-C Birth Certificates of B.C.'s half-siblings
- R-D XXX Aldeberan Drive Lease and ID
- R-E Email from petitioner, dated June 19, 2019
- R-F Respondent's correspondence to petitioner, dated June 19, 2020
- R-G XXX Blackwood-Clementon Road, #XXX, Lease
- R-H Transfer Documents for B.C.'s half-siblings to XXX Cascade Court, Sewell
- R-I Residency Investigation Request
- R-J Email from R.H to petitioner, dated January 24, 2020
- R-K Email from R.H to petitioner, dated February 5, 2020
- R-L Notice of Ineligibility and Pending Board of Education Hearing for Disenrollment, dated February 6, 2020
- R-M Residency Hearing recording---NOT PROVIDED OR REVIEWED
- R-N Residency Hearing transcript, dated February 19, 2020
- R-O Final Notice of Ineligibility for Continued Enrollment, dated February 19, 2020
- R-P Petitioner's Residency Appeal
- R-Q Emails between respondent and Office of Controversies and Disputes, dated May 21, 2020
- R-R Appeal Confirmation, dated May 22, 2020