

#213-16 (OAL Decision: Not yet available online)

B.P., on behalf of minor child, N.P., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF BURLINGTON,  
BURLINGTON COUNTY, :  
RESPONDENT. :

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### SYNOPSIS

In November 2015, *pro se* petitioner appealed the determination of the respondent Board that his child, N.P., did not reside within the school district, and was therefore not entitled to a free public education in Burlington Township schools for the 2015-2016 school year. The matter was transmitted to the OAL as a contested case. Subsequently, the Board filed a motion to dismiss, certifying that N.P. does, in fact, reside within Burlington Township. The petitioner opposed the dismissal, and oral argument was scheduled for April 26, 2016, at which time the parties jointly stipulated to the following facts: N.P. resides in Burlington Township with her father, B.P., and has resided there throughout the 2015-2016 school year; the Board conceded that N.P. is and has been domiciled within the Burlington Township School District throughout the current school year; and no reimbursement is or will be due from B.P. to the Board for N.P.'s attendance for 2015-2016.

The ALJ found, *inter alia*, that: the parties now concur that N.P. has resided with, and continues to reside with B.P. within the school district for the 2015-2016 school year; accordingly, B.P. has no obligation for tuition reimbursement for N.P.'s attendance in Burlington Township Schools for the current year; and the parties concurred that there is no further dispute in this matter. The ALJ concluded that dismissal of the appeal is warranted as there is no longer any controversy regarding petitioner's residency appeal relative to the 2015-2016 school year. Accordingly, the ALJ ordered the matter dismissed with prejudice.

Upon review, the Commissioner concurred with the ALJ's findings and conclusions, and adopted the Initial Decision of the OAL as the final decision in this matter.

<p>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.</p>
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June 10, 2016

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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 concurs with the Administrative Law Judge (ALJ) that N.P. was and remains entitled to attend school in the Burlington Township School District for the 2015-2016 school. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: June 10, 2016  
Date of Mailing: June 10, 2016

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\* 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).