

T.F., on behalf of minor child, T.N., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF OCEAN CITY,
CAPE MAY COUNTY, :
RESPONDENT. :

SYNOPSIS

In June 2016, *pro se* petitioner appealed the determination of the respondent Board that her daughter, T.N., was ineligible for a free public education in respondent’s school district. Petitioner contended that she resides at an address within the Ocean City school district. The Board contended that a residency investigation revealed that petitioner and her daughter actually reside at an address in Margate, New Jersey – outside of the respondent’s school district. The Board filed a counterclaim seeking tuition for the period of T.N.’s ineligible attendance in the district. A hearing in this matter was held on December 27, 2016. However, petitioner failed to appear and offered no explanation for her non-appearance.

The ALJ found, *inter alia*, that: the facts of this matter indicate that petitioner applied through the school choice program to have T.N. attend Ocean City Schools for the 2015-2016 school year; when T.N. was not accepted into the program, petitioner enrolled her in the Ocean City school district using an apartment address in Ocean City; subsequently, a residency investigation revealed that the lease for the Ocean City apartment had expired, and that petitioner and her daughter were actually living in Margate, at the home of petitioner’s mother; as petitioner failed to appear at the hearing, the testimony and evidence presented by the respondent Board was uncontroverted; and the tuition cost for the period of T.N.’s ineligible attendance totaled \$15,537. The ALJ concluded that T.N. was ineligible to attend school in Ocean City for the 2015-2016 school year, ordered petitioner to pay respondent in the total amount of \$15,537, and dismissed the petition.

The Commissioner adopted the Initial Decision as the final decision in this matter, for the reasons expressed therein. The petitioner was ordered to pay tuition as set forth above. 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.
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April 28, 2017

OAL DKT. NO. EDU 10336-16
AGENCY DKT. NO. 166-6/16

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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. Accordingly, the petitioner shall pay the Board \$15,537.00 in tuition costs for T.N.'s ineligible enrollment in the District for the 2015-2016 school year.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 28, 2017

Date of Mailing: April 28, 2017

* 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*).