

184-17 (OAL Decision: Not yet available online)

C.E., on behalf of minor child, K.E., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF WEST ORANGE,
ESSEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* petition appealing the determination of the respondent Board that his daughter, K.E., was not domiciled in West Orange, and therefore not entitled to a free public education in the West Orange school district. Petitioner contended that he had leased a property in West Orange where he and his daughter were domiciled; further, the petitioner testified that he had purchased a home in West Orange on May 10, 2017, six days before the hearing in this matter. The Board alleged that a residency investigation had shown that C.E. and K.E. live at an address in East Orange. The Board sought tuition reimbursement for the period of K.E.'s ineligible attendance.

The ALJ found, *inter alia*, that: the testimony provided by the Board's witnesses was credible, while that of petitioner was not; pursuant to *N.J.A.C. 6A:22-3.1(a)(1)*, a student is a resident of a school district if his parent or guardian has a permanent home in the district; the domicile of an unemancipated child is that of her parent or guardian; in the instant case, C.E. contested the Board's decision that K.E. was not properly domiciled in West Orange; the testimony of the Board's residency inspector and the results of the investigation were credible and indicated that K.E. and her father were domiciled out-of-district in East Orange, but continued to attend school in West Orange during the 2016-2017 school year; and the cost of tuition for K.E. in West Orange schools for the 2016-2017 school year was \$17,069. The ALJ concluded that the petitioner was not a domiciliary of West Orange for the 2016-2017 school year and was therefore ineligible to attend West Orange public schools; accordingly, the respondent Board is entitled to reimbursement of tuition in the amount of \$17,069.

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.

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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June 29, 2017

OAL DKT. NO. EDU 494-16
AGENCY DKT. NO. 324-12/16

C.E., on behalf of minor child, K.E., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF WEST ORANGE,
ESSEX COUNTY, :
RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed.¹ 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 \$17,069.00 in tuition costs for K.E.'s ineligible enrollment in the District for the 2016-2017 school year.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 29, 2017

Date of Mailing: June 30, 2017

¹ The record did not include a transcript of the hearing held at the Office of Administrative Law on May 16, 2017.

² 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).