

BOARD OF EDUCATION OF THE TOWNSHIP :  
OF BELLEVILLE, ESSEX COUNTY, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

Y.D., on behalf of minor children, : DECISION  
S.D., N.D., Z.B., and Z.B. :

and :

STATE-OPERATED SCHOOL DISTRICT :  
OF NEWARK, ESSEX COUNTY, :

RESPONDENTS. :

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SYNOPSIS

The Board of Education of the Township of Belleville challenged the decision of the Essex County Superintendent that petitioner must provide free public education to four children of Y.D. following a determination that the children were homeless, and the last permanent place of residence of the children's mother was in petitioner's district. Petitioner argues that since Y.D. and her children stayed in Newark for a significant portion of 2005/2006, the Newark School District should be responsible for reimbursement of tuition and transportation costs.

Upon full consideration, the Commissioner concurred with the ALJ that the County Superintendent's determination that Y.D. and her children were homeless during the 2005-2006 school year must be sustained, and that Belleville was responsible for the children's education during this period. Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition is 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.

OAL DKT. NO. EDU 1319-06  
AGENCY DKT. NO. 315-11/05

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The Board's exceptions – filed in accordance with *N.J.A.C. 1:1-18.4* – were fully considered by the Commissioner in reaching her determination herein.<sup>1</sup>

Upon full consideration, the Commissioner concurs with the ALJ that the County Superintendent's determination that Y.D. and her children were homeless during the 2005-06 school year, and that Belleville was responsible for the children's education during this period, must be sustained.<sup>2</sup>

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<sup>1</sup> Such exceptions seek to correct certain statements made by the Administrative Law Judge (ALJ) in her decision. In that such corrections are irrelevant to the outcome of this matter, the Commissioner finds presentation of or comment on these to be unnecessary.

<sup>2</sup> It should be clarified, however, that on appeal examination of the correctness of the County Superintendent's determination of homelessness under an arbitrary, capricious or unreasonable standard does not necessarily end the inquiry, as subsequently received information could alter the propriety of this decision. In this matter, however, the

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter – for the reasons stated therein – and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.<sup>3</sup>

COMMISSIONER OF EDUCATION

Date of Decision: November 19, 2007

Date of Mailing: November 19, 2007

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record confirms that the facts are as the County Superintendent believed they were at the time of his determination of homelessness and, therefore, his determination was entirely reasonable.

<sup>3</sup> This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*