

#326-12 (OAL Decision: Not yet available online)

J.M.H., on behalf of minor child, J.M.H., III, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
VILLAGE OF RIDGEWOOD,
BERGEN COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner appealed the determination of the respondent Board that his child is not eligible for a free public education in the Ridgewood school district. Petitioner contended that the house he owns in Ridgewood was for sale during the 2011-2012 school year because he and his wife have separated. Petitioner stated that his wife – who has custody of J.M.J., III – intends to move back to Ridgewood after their house sells; however, petitioner admitted that neither he nor his wife resided in Ridgewood during the 2011-2012 school year. The Board sought tuition reimbursement in the amount of \$12,600 for the full school year.

The ALJ found, *inter alia*, that: petitioner did not appear at the hearing on June 18, 2012; the Board did appear, and represented that petitioner had admitted that neither he nor his wife has been domiciled in Ridgewood since before September 2011; J.M.H., III, attended school in Ridgewood without interruption during the 2011-2012 school year; the respondent Board is entitled to tuition from petitioner for this time period; and the out-of-district tuition rate for the 2011-2012 school year is \$70 per day, or a total of \$12,600 for the whole year. The ALJ concluded that J.M.H., III, attended school but was not domiciled in Ridgewood during the 2011-2012 school year; accordingly, the ALJ ordered the petitioner to pay the Board \$12,600 in tuition for his period of ineligible attendance.

Upon a full and independent review, the Deputy Commissioner – to whom this matter was delegated pursuant to *N.J.S.A.* 18A:4-33 – concurred with the findings and conclusion of the ALJ. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this case, and the petitioner was ordered to pay tuition in the amount of \$12,600 for the period of J.M.H.’s ineligible attendance in the district’s schools.

<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>

August 10, 2012

OAL DKT. NO. EDU 4726-12
AGENCY DKT. NO. 88-4/12

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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 Deputy Commissioner – to whom this matter has been delegated pursuant to *N.J.S.A. 18A:4-33* – adopts the Initial Decision as the final decision for the reasons set forth therein. Accordingly, the petitioner shall pay the Board \$12,600 in tuition costs for the 2011-2012 school year.

IT IS SO ORDERED.*

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: August 10, 2012

Date of Mailing: August 13, 2012

* 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*).