

#303-15 (OAL Decision: Not yet available online)

D.R., on behalf of minor child, C.R., :
 PETITIONER, :
 V. : COMMISSIONER OF EDUCATION
 BOARD OF EDUCATION OF THE : DECISION
 BOROUGH OF PARAMUS,
 BERGEN COUNTY, :
 RESPONDENT. :

SYNOPSIS

Petitioner appealed the decision of the respondent Board to remove her daughter, C.R., from Paramus High School because she has moved out of the school district. The Board contended that C.R. is not entitled to attend Paramus for her senior year free of charge pursuant to its Policy 5118, which in part provides that a student in her junior year of high school may remain in district for her senior year if she moved out of district during the final marking period of eleventh grade – which in this case began on April 2, 2015. It is undisputed that petitioner moved to Franklin Lakes in February 2015, and that C.R. was therefore no longer domiciled in Paramus as of the end of that month. The petitioner averred that she was not familiar with Policy 5118 and did not understand its meaning; further, she contended she was not properly informed of the consequence of moving when she did. The Board filed a motion for summary decision; sought payment of tuition for the 2015-2016 school year, in the event that petitioner sends her daughter back to Paramus High School for her senior year; and waived tuition reimbursement for the final marking period of the 2014-2015 school year.

The ALJ found, *inter alia*, that: there are no material facts at issue, and this matter is ripe for summary decision; pursuant to *N.J.S.A. 18A:38-1*, public schools are required to provide a free education to individuals aged 5 to 20 years who are domiciled within the school district; in this case, it is undisputed that C.R. no longer resides in Paramus, and moved before the start of the fourth marking period in her eleventh grade year; the Board’s determination was not arbitrary or capricious as C.R. did not meet the requirements of Policy 5118 for attending Paramus High School tuition-free in her senior year. Accordingly, the ALJ concluded that the Board properly removed C.R., there is no tuition due and owing to the Board for the remainder of C.R.’s junior year, and C.R. is ineligible to attend Paramus High School on a tuition-free basis for her senior year. The ALJ granted the Board’s motion for summary decision and dismissed the appeal.

Upon review of the record and the Initial Decision, the Commissioner concurred with the findings and conclusions of the ALJ. Accordingly, the Initial Decision was adopted as the final decision in this matter, for the reasons expressed therein.

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.

September 24, 2015

OAL DKT. NO. EDU 10277-15
AGENCY DKT. NO. 140-6/15

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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) – for the reasons stated in the Initial Decision – that C.R. is no longer domiciled in the district and that the Board’s decision denying C.R. the ability to attend school in the district as a tuition free student was not arbitrary, capricious or unreasonable.

Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 24, 2015

Date of Mailing: September 24, 2015

* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A 18A:6-9.1*).