

K.O., on behalf of minor child, Y.T., :
 PETITIONER, : COMMISSIONER OF EDUCATION

V. : DECISION

BOARD OF EDUCATION OF THE :
 TOWNSHIP OF WEST ORANGE, :
 ESSEX COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of his daughter in February 2016, seeking a determination that Y.T. is entitled to a free public education in the West Orange School District. The matter was transmitted to the Office of Administrative Law as a contested case. Subsequently, a meeting was held between District personnel, counsel for the Board and the petitioner; based upon the explanation of Y.T.’s residency presented at the meeting, the petitioner was notified by letter dated December 20, 2016 that the District would no longer seek to assess tuition for the 2015-2016 school year. Petitioner agreed to submit a letter withdrawing his appeal, but failed to do so.

The ALJ concluded that this matter is no longer a contested case before the Office of Administrative Law. Accordingly, the ALJ issued an Initial Decision in which she ordered the matter dismissed.

Upon review of the record in this matter, the Commissioner concurred with the ALJ’s conclusion and adopted the Initial Decision as the final decision in this matter. Accordingly, 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.

OAL DKT. NO. EDU 03166-16
AGENCY DKT. NO. 49-2/16

K.O., on behalf of minor child, Y.T., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
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. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner adopts the Administrative Law Judge's recommended decision for the reasons expressed therein. Accordingly, the petition is hereby dismissed as withdrawn.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 19, 2018

Date of Mailing: March 19, 2018

*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*).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 03166-16

AGENCY DKT. NO. 49-2/16

K.O., ON BEHALF OF MINOR CHILD, Y.T.,

Petitioner,

v.

**BOARD OF EDUCATION OF THE
TOWNSHIP OF WEST ORANGE, ESSEX
COUNTY,**

Respondent.

K.O., petitioner, pro se

Frances L. Febres, Esq., for respondent (Cleary Jacobbe Alfieri Jacobs, LLC,
attorneys)

Record Closed: February 1, 2018
2018

Decided: February 1,

BEFORE **LESLIE Z. CELENTANO**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner challenged the school district's residency determination. Petitioner's request for a hearing was granted and the matter was transmitted to the Office of Administrative Law (OAL) on March 1, 2016, for hearing as a contested case.

Thereafter, District personnel and counsel for the Board met with petitioner and received a detailed and lengthy explanation as to where Y.T., the petitioner's daughter resides. Based upon that meeting, the counsel for the Board notified petitioner by letter dated December 20, 2016, that the District was satisfied with his clarification and would no longer seek to assess tuition against petitioner for the 2015-2016 school year.

Petitioner agreed to submit a letter withdrawing his appeal to the Office of Administrative Law however, nothing has been received to date. Based upon all of the foregoing, I **FIND** that this matter should be and is hereby **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

February 1, 2018

DATE



LESLIE Z. CELENTANO, ALJ

Date Received at Agency:

February 1, 2018

Date Mailed to Parties:
dr
