

**New Jersey Commissioner of Education
Final Decision**

J.J., on behalf of minor child, C.J.,

Petitioner,

v.

Board of Education of the Manchester
Regional High School District, Passaic County,

Respondent.

Synopsis

Petitioner filed a *pro se* residency appeal on behalf of her child, seeking a determination that C.J. is entitled to a free public education in the Manchester Regional High School District. Petitioner contended that she and her daughter are domiciled within the respondent's school district, but that C.J. had filled out a form relating to school bus pickup that used the address of one of petitioner's other properties located in Paterson, NJ. The Board filed an answer stating that it had acted in accordance with the law in determining that C.J. was not eligible for a free public education in its school district. The matter was transmitted to the Office of Administrative Law (OAL) as a contested case and a hearing was scheduled.

The ALJ found that: prior to the scheduled hearing date, petitioner sent correspondence stating that she had provided the school district with all of the required paperwork requested by the Board; petitioner also stated that she would like to close the case; the respondent Board subsequently advised the OAL that it will not seek tuition for C.J.'s attendance unless her residency circumstances change. Accordingly, the ALJ concluded that this is no longer a contested case before the OAL, and dismissed the matter.

Upon review, the Commissioner concurred with the findings and conclusions of the ALJ, and adopted the Initial Decision of the OAL as the final decision in this matter.

<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>

March 6, 2019

OAL Dkt. No. EDU 17954-18
Agency Dkt. No. 269-11/18

New Jersey Commissioner of Education
Final Decision

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Petitioner,

v.

Board of Education of the Manchester Regional
High School District, Passaic 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. In this matter, the petitioner is challenging the Manchester Regional Board of Education's determination that C.J. was not eligible to attend school in the District.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) – for the reasons stated in the Initial Decision – that the petition of appeal should be dismissed. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: March 6, 2019
Date of Mailing: March 6, 2019

¹ 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).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 17954-18

AGENCY DKT. NO. 269-11/18

J.J. ON BEHALF OF C.J.,

Petitioner,

v.

**MANCHESTER REGIONAL HIGH SCHOOL
DISTRICT BOARD OF EDUCATION, PASSAIC
COUNTY,**

Respondent.

J.J., petitioner, pro se

Rodney T. Hara, Esq. for respondent (Fogarty & Hara, attorneys)

Record Closed: January 25, 2019

Decided: January 28, 2019

BEFORE **JOANN LASALA CANDIDO**, ALAJ:

STATEMENT OF THE CASE

Petitioner, J.J., filed a residency appeal on behalf of her child, C.J. Shortly thereafter the Board of Education of the Manchester Regional High School District

(Respondent) filed an Answer with the State Department of Education. The matter was transmitted to the Office of Administrative Law (OAL) on December 10, 2018, for determination as a contested case pursuant to N.J.S.A. 52:14F-1 to -13. A hearing was scheduled for April 3, 2018. Prior to the hearing date petitioner sent correspondence stating that C.J. has never missed a day and that she sent the required paperwork respondent requested. She also stated that she would like to close the case. On January 25, 2019, respondent sent correspondence stating that it will not seek tuition for C.J.'s attendance, unless the circumstances involving petitioners' residency subsequently changes. Said correspondence is attached hereto for reference.

Based on the foregoing, I **CONCLUDE** that this matter is no longer a contested case before the Office of Administrative Law. It is therefore **ORDERED** that this matter 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.



January 28, 2019

DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

January 28, 2019

Date Mailed to Parties:

ljb