

**New Jersey Commissioner of Education  
Final Decision**

Board of Education of the Township of North Bergen,  
Bergen County,

Petitioner,

v.

New Jersey Department of Education and  
Angelica Allen-McMillan, Acting Commissioner,

Respondents.

**Synopsis**

The petitioner, the Board of Education of the Township of North Bergen (Board), challenged the respondent's determination that the Board is responsible for J.P.'s educational costs for the 2019-2020 school year pursuant to *N.J.S.A. 18A:7B-12(b)*. In 2017, J.P. was placed at Bancroft Neurohealth (Bancroft) by the Department of Children and Families (DCF). Prior to this placement, J.P. resided with his mother, M.P., in North Bergen, and the Board assumed the cost of J.P.'s education at Bancroft as required under *N.J.S.A. 18A:7B-12(b)*. When M.P.'s address could not be determined as of October 15, 2018, the State of New Jersey assumed financial responsibility for J.P.'s educational costs for the 2018-2019 school year under *N.J.S.A. 18A:7B-12(d)*. The issue for determination here is which entity is responsible for the cost of J.P.'s education during the 2019-2020 school year, since M.P.'s address was unknown as of October 15, 2019. The parties filed cross motions for summary decision.

The ALJ found, *inter alia*, that: there are no material facts at issue, and the matter is ripe for summary decision; the Board's argument that a student's present district of residence must be determined by the Department of Education (DOE) by October 16 of each school year is without merit as the regulations do not state any such deadline; rather, the regulations state that the district of residence is determined by the residence of the parents on October 16; in this matter, it was stipulated that J.P.'s mother lived within the North Bergen School District on October 16, 2019; it is not disputed that DOE informed North Bergen that it was the district of residence for J.P. in March 2021; there is no provision in the regulation that states that the DOE must inform a school district that it is the district of residence for a student by October 16<sup>th</sup>; and the Board's argument that the doctrine of laches should be invoked in this matter is also without merit. The ALJ concluded that since M.P. resided in North Bergen beginning in May 2019, the Board's school district is the district of residence for J.P. for the 2019-2020 school year. Accordingly, the ALJ granted respondent's motion for summary decision and denied the petitioner's cross motion.

Upon a comprehensive review of the record, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter. The substantial, credible evidence in the record supports the conclusion that North Bergen was J.P.'s district of residence for the 2019-2020 school year. Accordingly, summary decision was granted in favor of the respondent and 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.

253-23  
OAL Dkt. No. EDU 00807-22  
Agency Dkt. No. 226-12/21

**New Jersey Commissioner of Education**  
**Final Decision**

Board of Education of the Township of  
North Bergen, Hudson County,

Petitioner,

v.

New Jersey Department of Education and  
Angelica Allen-McMillan, Acting Commissioner,

Respondents.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Petitioner initiated this action to challenge respondent's determination that the North Bergen Board of Education (the Board or North Bergen) is responsible for minor child J.P.'s educational costs for the 2019-2020 school year pursuant to *N.J.S.A. 18A:7B-12(b)*. That statute provides, in relevant part:

The district of residence for children who are in residential State facilities, or who have been placed by State agencies in group homes, skill development homes, [or] private schools . . . shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

[*N.J.S.A. 18A:7B-12(b)*.]

Consistent with the statute, the corresponding regulations at *N.J.A.C. 6A:23A-19.2(a)(2)* explain that "[t]he 'present district of residence' of a child placed by a State agency in a group

home, skill development home, [or] approved private school for students with disabilities . . . means the New Jersey district of residence of the child's parent(s) or guardian(s) as of the date of the child's most recent placement by the State agency." Additionally, the regulations provide that "[i]n subsequent school years spent in the educational placement made by a State agency, the child's 'present district of residence'" is "the New Jersey district of residence of the child's parent(s) or guardian(s) as of the last school day prior to October 16." *N.J.A.C. 6A:23A-19.2(a)(1), (a)(2)*.

The Commissioner of Education, or her designee, is responsible for determining the child's present district of residence "based upon by the address submitted by the Department of Corrections, the Department of Children and Families, or the Juvenile Justice Commission on forms prepared by the Department of Education." *N.J.A.C. 6A:23A-19.3(b)*. The Department of Education (DOE) must notify the responsible district of its determination. *N.J.A.C. 6A:23A-19.3(c)*. "In order to prevent a lapse in the child's education and/or child study services, the district board of education shall be bound by such determination unless and until it is reversed on redetermination or appeal . . ." *Ibid.*

The DOE's district of residence determination "is entitled to a presumption of correctness." *Board of Education of the Township of Piscataway v. New Jersey Department of Education, Office of School Funding*, OAL Dkt. No. EDU 05063-10, Initial Decision at 10 (Oct. 4, 2010), *aff'd*, Commissioner Decision No. 465-10 (Nov. 8, 2010). "[W]hen a local school board contests a district-of-residence determination made by the Department, the local board bears the burden of proving that the determination was in error." *Ibid.*

The material facts are undisputed. The Department of Children and Families (DCF) placed J.P. at Bancroft Neurohealth on May 18, 2017. Prior to placement, J.P. resided with his mother, M.P., in North Bergen. Pursuant to *N.J.S.A. 18A:7B-12(d)*, the State of New Jersey assumed fiscal

responsibility for J.P.'s educational costs for the 2018-2019 school year after the DOE determined that M.P.'s address was unknown as of October 15, 2018.

On March 3, 2021, DCF requested a district of residence determination for J.P. and informed the DOE that M.P. had resided at a permanent address in North Bergen since May 2019. The record contains a copy of a residential lease for an apartment in North Bergen listing M.P. as the occupant effective May 15, 2019, until May 31, 2021.<sup>1</sup> Via letter dated March 29, 2021, the DOE informed petitioner that because M.P. resided at a permanent address in North Bergen “on October 15, 2020 [sic] and October 15, 2020,” petitioner was responsible for J.P.'s educational costs for the 2019-2020 and 2020-2021 school years.<sup>2</sup>

On November 23, 2021, the DOE sent petitioner a second letter to correct the typographical error that appeared in the March 29, 2021, letter. The second letter informed petitioner that because M.P. resided at a permanent address in North Bergen “on October 15, 2019 and October 15, 2020,” petitioner was responsible for J.P.'s educational costs for the 2019-2020 and 2020-2021 school years.

On or about December 2, 2021, the Board filed an appeal of respondent's district of residence determination with the Office of Controversies and Disputes. The matter was transmitted to the OAL and the parties moved for summary decision. The Administrative Law Judge (ALJ) granted respondent's motion for summary decision upon concluding that North Bergen was J.P.'s district of residence for the 2019-2020 school year and that it was therefore responsible for J.P.'s educational costs for that year.

---

<sup>1</sup> J.P.'s father resides elsewhere in North Bergen Township.


<sup>2</sup> Petitioner does not contest the DOE's determination for the 2020-2021 school year. Its petition states that “[a]fter conducting its own investigation,” it agreed “that M.P. was in fact a resident of North Bergen at least as of April 29, 2021.”

In so doing, the ALJ rejected the Board's contention that it should be absolved of payment of J.P.'s educational costs for the 2019-2020 school year under the doctrine of laches because the DOE did not provide notice to petitioner that it was J.P.'s district of residence until March 2021. The ALJ correctly noted that the relevant regulations do not provide a deadline for the DOE to give notice to the district of residence. Moreover, the ALJ recognized that the DOE was not notified by DCF until March 2021 that M.P. had a permanent address in North Bergen as of May 2019. Once the DOE received this information from DCF, it sent a letter to petitioner that same month notifying it of its financial obligation for J.P.'s educational costs.

Upon a comprehensive review of the record in this matter, the Commissioner adopts the ALJ's findings and conclusions as set forth in the Initial Decision. The substantial, credible evidence in the record supports the conclusion that North Bergen was J.P.'s district of residence for the 2019-2020 school year. Petitioner provided no evidence to the contrary. Therefore, petitioner is responsible for J.P.'s educational costs for the 2019-2020 school year.

Accordingly, respondent's motion for summary decision is granted, petitioner's cross-motion for summary decision is denied, and the petition of appeal is hereby dismissed.

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

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 22, 2023  
Date of Mailing: August 23, 2023

---

<sup>3</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT.NO. EDU 00807-22

AGENCY DKT. NO. 226-12/21

**BOARD OF EDUCATION OF THE  
TOWNSHIP OF NORTH BERGEN, HUDSON  
COUNTY,**

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF  
EDUCATION & ANGELICA ALLEN  
MCMILLIAN, ACTING COMMISSIONER,**

Respondent.

---

**Jason Ryglicki**, Esq. for petitioner (Ryglicki & Gillman, P.C. attorneys)

**Sadia Ahsanuddin**, Esq., for respondent (Matthew J. Platkin, Acting Attorney  
General)

Record Closed: July 9, 2023

Decided: July 21, 2023

**BEFORE: KIMBERLY A. MOSS, ALJ:**

The Department of Education (DOE) determined that the Board of Education for the Township of North Bergen (North Bergen) is responsible for the tuition of J.P. for the 2019-2020 school year. North Bergen appealed the DOE's determination. DOE filed a motion to dismiss the petition in lieu of answer on or about January 27, 2022. North

Bergen filed opposition to the motion on March 1, 2022. DEP filed a reply to the opposition on June 7, 2022. I denied the motion on July 11, 2022.

On March 23, 2023, DOE filed a motion for Summary Decision. North Bergen filed a cross motion for summary decision on April 10, 2023. The DOE filed a reply to the opposition on May 15, 2023. North Bergen filed a sur reply on July 9, 2023, on which date the record closed.

### **FACTUAL DISCUSSION**

I **FIND** the following stipulated **FACTS**:

1. This case is a district of residence appeal involving student J.P.
2. J.P.'s date of birth is March 13, 2005.
3. On May 18, 2017, J.P. was placed by the Department of Children and Families ("DCF") at Bancroft Neurohealth.
4. Prior to placement at Neurohealth, J.P. resided with his mother M.P. in the township of North Bergen.
5. In a letter dated May 17, 2019, the Department of Education made a determination that the address of M.P. was unknown on October 15, 2018, and therefore, that the State would be responsible for the educational costs of J.P. for the 2018-2019 school year. Attached hereto as "Exhibit A" is a true and accurate copy of the May 17, 2019, letter from the Department of Education.
6. On April 26, 2019, M.P. signed a lease for occupancy at 39 74th Street, Apt. B4, North Bergen, NJ 07047, to start on May 15, 2019. Attached hereto as "Exhibit B" is a true and accurate copy of the lease that M.P. signed on April 26, 2019.
7. In May 2019, M.P. secured a permanent address at 39-74th Street, Apt. B4, North Bergen, NJ 07047.
8. The lease for 39-74th Street, Apt. B4, North Bergen, NJ 07047 lists M.P. as the tenant from May 15, 2019, to May 31, 2021.
9. The address 39-74th Street, Apt. B4, North Bergen, NJ 07047 falls within the North Bergen Public School District.
10. On October 15, 2019, M.P. was listed on a lease for 39-74th Street, Apt. B4, North Bergen, NJ 07047.
11. M.P. was a resident of North Bergen in May 2019.

12. On March 1, 2021, the Division of Children and Families completed form CP&P 25-65 for J.P. This form stated that: “The mother, [M.P.] has resided in a permanent address in North Bergen since 5/2019.” The form also stated, “J. resided with his mother prior to the initial Dept P [sic] placement.” Attached hereto as “Exhibit C” is March 1, 2021 Form.
13. On March 29, 2021 the Department of Education sent a letter to North Bergen, stating that “North Bergen School District is responsible for the educational costs of the child for the 2019-2020 and 2020-2021 school years.” This letter further provided that the Department of Education made this determination because J.P.'s mother, M.P., was a resident of North Bergen on “October 15, 2020 and October 15, 2020 [sic].” Attached hereto as “Exhibit D” is a true and accurate copy of the March 29, 2021 letter from the Department of Education.
14. On May 3, 2021, M.P. signed a month-to-month lease for occupancy at 39-74th Street, Apt. B4, North Bergen, NJ.
15. On November 23, 2021, DOE sent a revised letter to North Bergen which stated that “On October 15, 2019 and October 15, 2020, [J.P.'s] mother [M.P.], resided at 39 74th Street, Apt. B4, North Bergen, NJ 07047-6920.” Attached hereto as “Exhibit E” is a true and accurate copy of the November 23, 2021 letter from the Department of Education.
16. C.P. is J.P.'s father.
17. C.P. currently resides at 7508 Park Avenue, Apt. 205 North Bergen, New Jersey 07047.

### **LEGAL ARGUMENT AND CONCLUSION**

The rules governing motions for summary decision in an OAL matter are embodied N.J.A.C. 1:1-12.5. These provisions mirror the language of Rule 4:46-2 and the New Jersey Supreme Court's decision in Judson v. Peoples Bank and Trust Company of Westfield, 17 N.J. 67 (1954). Under N.J.A.C. 1:1-12.5(b), the determination to grant summary judgment should be based on the papers presented as well as any affidavits which may have been filed with the application. In order for the adverse, i.e., the non-moving party to prevail in such an application, responding affidavits must be submitted showing that there is indeed a genuine issue of fact, which can only be determined in an evidentiary proceeding. The Court in Brill v. Guardian Life



Insurance Company of America, 142 N.J. 520, 523 (1995), set the standard to be applied when deciding a motion for summary judgment. Therein the Court stated:

The determination whether there exists a genuine issue with respect to a material fact challenged requires the Motion Judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party . . . are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party.

There is no material issue of fact in this matter.

N.J.A.C. 6A:19.2 provides:

(a) The district of residence for school funding purposes shall be determined according to the following criteria:

1. The "present district of residence" of a child in a residential State facility, defined in N.J.S.A. 18A:7F-45 and referred to in the first paragraph of N.J.S.A. 18A:7B-12.b, means the New Jersey district of residence of the child's parent(s) or guardian(s) as of the last school day prior to October 16.

2. The "present district of residence" of a child placed by a State agency in a group home, skill development home, approved private school for students with disabilities or out-of-State facility, also referred to in N.J.S.A. 18A:7B-12.b means the New Jersey district of residence of the child's parent(s) or guardian(s) as of the date of the child's most recent placement by the State agency. In subsequent school years spent in the educational placement made by a State agency, the child's "present district of residence" shall be determined in the same manner as for a child in a residential State facility as set forth in (a)1 above.

3. If the State becomes the child's legal guardian after the date of the child's initial placement by a State agency, the State will assume financial responsibility for the child's educational costs in subsequent school years.

(b) The "present district of residence" or "district of residence" referred to in N.J.S.A. 18A:7B-12.b shall be determined by the Commissioner or his or her designee based upon the address submitted by the Department of Corrections, the Department of Children and Families, or the Juvenile Justice Commission on forms prepared by the Department of Education.

(c) The district board of education shall be notified by the Department of the determination of the district of residence. In order to prevent a lapse in the child's education and/or child study services, the district board of education shall be bound by such determination unless and until it is reversed on redetermination or appeal pursuant to the provisions of (e) and (f) below.

(d) A district board of education contesting the Department's determination of district of residence shall submit a written notification of a dispute to the Office of School Facilities and Finance within 30 days of the receipt of a final notice that a child was determined to be a resident of the district for

purposes of State funding. As part of this written notice, the following information shall be submitted:

1. A written statement detailing the effort of the district board of education to verify the determination of the Department;
2. Written rationale for rejecting the determination of the Department; and
3. Any additional information the district board of education has obtained that might enable redetermination of the district of residence.

(e) The Office of School Facilities and Finance shall attempt to resolve the dispute administratively and shall notify the district board of education whether a redetermination of district of residence will be made within 90 days of the receipt of written notification that a dispute exists.

(f) A district board of education may initiate a formal proceeding before the Commissioner to resolve such a dispute if the Office of School Facilities and Finance is unable to resolve a dispute within the 90-day time limit, by filing a Petition of Appeal with the Commissioner pursuant to the provisions of N.J.A.C. 6A:3, Controversies and Disputes.

(g) As prescribed by N.J.S.A. 18A:7B-12, the "district of residence" for a homeless child whose parent(s) or guardian(s) temporarily moves from one school district to another is the district in which the parent(s) or guardian(s) last resided prior to becoming homeless. This district shall be designated as the district of residence for as long as the parent(s) or guardian(s) remains homeless.

N.J.S.A. 18A: 7B-2 provides:

a. For each State-placed child who is resident in a district and in a State facility on the last school day prior to October 16 of the prebudget year, and for each district-placed child who is resident in a district and in a State facility on the last school day prior to October 16 of the budget year, the Commissioner of Education shall deduct from the State aid payable to that district an amount equal to the approved per pupil cost established pursuant to the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24); except that for a child in a county juvenile detention center, no deduction shall be made until Fiscal Year 1999, in which year and thereafter 50% of the per pupil cost shall be deducted.

b. If, for any district, the amount to be deducted pursuant to subsection a. of this section is greater than State aid payable to the district, the district shall pay to the Department of Education the difference between the amount to be deducted and the State aid payable to the district.

c. The amount deducted pursuant to subsection a. of this section and the amount paid to the Department of Education pursuant to subsection b. of this section shall be forwarded to the Department of Human Services or the Department of Children and Families, as applicable, if the facility is operated by or under contract with that department, or to the Department of Corrections if the facility is operated by or under contract with that department, or to the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is operated by or under contract with that commission, and shall serve as payment by the district of tuition for the child. In the case of county juvenile detention centers, the tuition shall be deemed to supplement funds currently

provided by the county for this purpose under chapter 10 and chapter 11 of Title 9 of the Revised Statutes. In Fiscal Year 1998, a county shall not decrease its level of contribution as a result of the payment of tuition pursuant to this section. In Fiscal Year 1999 and thereafter, a county shall be required to pay 50% of the approved per pupil costs established pursuant to the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24) for the purpose of implementing chapters 10 and 11 of Title 9 of the Revised Statutes. Amounts so deducted shall be used solely for the support of educational programs and shall be maintained in a separate account for that purpose. No district shall be responsible for the tuition of any child admitted by the State to a State facility after the last school day prior to October 16 of the prebudget year.

When the State makes a determination as to who is responsible for the child's education and/or a determination about the "district of residency," it is entitled to a presumption of correctness. Bd. of Educ. of S. River v. Dep't of Educ., EDU 10117-98, Initial Decision (November 1, 2000) <http://lawlibrary.rutgers.edu/oal/search.html>. It is well established that when a local school board contests a DOR determination, the local board bears the burden of proving that the determination was in error. Bd. of Educ. of Bradley Beach v. Dep't of Educ., EDU 4975-99, Comm'r (July 3, 2000). <http://lawlibrary.rutgers.edu/oal/search.html>

In this matter, North Bergen argues that the student's present district of residence must be determined by the DOE by October 16 of that school year. The regulations do not state this. The regulations state that the district of residence is determined by the residence of the parents on October 16. In this matter it is stipulated that J.P.'s mother lived in the District on October 16, 2019. It is not disputed that DOE informed North Bergen that it was the district of residence for J.P. in March 2021. There is no provision in the regulation that states the DOE must inform a District that it is the district of residence for a student by October 16<sup>th</sup> of that year. North Bergen argued that the doctrine of laches should be invoked since the DOE did not inform North Bergen that it was J.P.'s. present district of residence in 2019-2020 until March 2021.

The court in Secaucus Town v. Jersey City, 19 N.J. Tax 10, 27`stated:

In Lavin v. Board of Education of Hackensack, 90 N.J. 145, (1982), the Supreme Court defined laches as "such neglect or omission to assert a right as, taken in conjunction with the lapse of time, more or less great, and other circumstances causing prejudice to an adverse party, operates as a bar in a court of equity." Id. at 151, 447 A.2d 516 (quoting from 2

Pomeroy Equity Jurisprudence § 419 at 171-72 (5th ed.1941)). The Court then articulated the following factors as relevant to a claim of laches:

The length of delay, reasons for delay, and changing conditions of either or both parties during the delay are the most important factors that a court considers and weighs. The length of the delay alone or in conjunction with the other elements may result in laches. It is because the central issue is whether it is inequitable to permit the claim to be enforced that generally the change in conditions or relations of the parties coupled with the passage of time becomes the primary determinant. . . . Inequity, more often than not, will turn on whether a party has been misled to his harm by the delay. *Id.* at 152-53

The court stated: equitable estoppel will be applied in the appropriate circumstances [against a governmental entity] unless the application would 'prejudice essential governmental functions.'" Middletown Tp. Policemen's Benevolent Ass'n., Local No. 124 v. Middletown Tp., *supra*, 162 N.J. at 367, 744 A.2d 649. The same principle applies to laches. East Orange v. Livingston Tp., 102 N.J. Super. 512, 522, 246 A.2d 178 (Law Div.1968), *aff'd*, 54 N.J. 96, 253 A.2d 546 (1969) ID at 20-21

Secaucus Town v. Jersey City, 19 N.J. Tax 10, 27`

The Court has stated of the doctrine of laches:

That doctrine is invoked to deny a party enforcement of a known right when the party engages in an inexcusable and unexplained delay in exercising that right to the prejudice of the other party. In *re Kietur*, 332 N.J. Super. 18, 28, 752 A.2d 799, 805 (App.Div.2000) (citing County of Morris v. Fauver, 153 N.J. 80, 105, 707 A.2d 958, 970 (1998)). Laches may only be enforced when the delaying party had sufficient opportunity to assert the right in the proper forum and the prejudiced party acted in good faith believing that the right had been abandoned. Dorchester Manor v. Borough of New Milford, 287 N.J. Super. 163, 172, 670 A.2d 600, 604 (Law Div.1994), *aff'd*, 287 N.J. Super. 114, 670 A.2d 576 (App.Div.1996). The time constraints for the application of laches "are not fixed but are characteristically flexible." Lavin v. Bd. of Educ., 90 N.J. 145, 151, 447 A.2d 516, 519 (1982). The key factors to be considered in deciding whether to apply the doctrine are the length of the delay, the reasons for the delay, and the "changing conditions of either or both parties during the delay." *Id.* at 152, 447 A.2d at 520. The core equitable concern in applying laches is whether a party has been harmed by the delay. *Id.* at 152-53, 447 A.2d at 519-20.

Knorr v. Smeal, 178 N.J. 169, 180-181

In this matter the regulation does not state the date when the DOE must inform the district that it is the district of residence for a student by a specific time. The DOE did

not know that M.P lived in North Bergen beginning in May 2019 until it was informed by the Division of Children and Families on or about March 1, 2021. DOE informed North Bergen that it was responsible for J.P.'s educational costs for 2019-2020 school year on March 29, 2021. There was a gap of over a year before DOE became aware that J.P.'s district of residence for the 2019-2020 school year.

I **CONCLUDE** Since M.P. resided in North Bergen beginning in May 2019, that North Bergen was the District of residence for J.P. for the 2019-2020 school year.

**ORDER**

It is therefore **ORDERED** that the respondent's motion for summary decision be and is hereby **GRANTED**.

It is further **ORDERED** that petitioner's cross-motion for summary decision is **DENIED**.

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.

July 21, 2023



---

DATE

---

**KIMBERLY A. MOSS, ALJ**

Date Received at Agency:

July 21, 2023

Date Mailed to Parties:

July 21, 2023

ljb

**EXHIBITS**  
from stipulated Facts

Joint

- J-A Letter from the Department of Education to North Bergen Dated May 17, 2019
- J-B Lease Signed by M.P. for Occupancy in North Bergen signed on April 26, 2019
- J-C Division of Children and Families CP&P 25-65 From for J.P. Dated March 1, 2021
- J-D Letter from the Department of Education to North Bergen Dated March 29, 2021
- J-E Letter from Department of Education to North Bergen Dated November 23, 2021