

New Jersey Commissioner of Education

Final Decision

J.B., on behalf of minor children, C.B. and C.B.,

Petitioner,

v.

Board of Education of the City of Elizabeth,  
Union County,

Respondent.

Synopsis

In this case on remand, *pro se* petitioner appealed the determination of the respondent Board that she and her family are not domiciled in Elizabeth and that her children are therefore not entitled to a free public education in Elizabeth schools. Petitioner admitted that she and her husband and children had been staying temporarily at a relative’s home in Hillside due to a family emergency but had been forthcoming with the District as to the situation that necessitated their short-term relocation. Petitioner asserted that the family remains permanently domiciled in Elizabeth and therefore the children are entitled to attend school in the District. The Board filed a counterclaim demanding tuition repayment for the period since March 21, 2023.

On remand, the ALJ found, *inter alia*, that: upon review of issues related to petitioner’s R-6, which was not addressed in the original OAL decision in this matter, the changes of address and the affidavit submitted to the Hillside school district by the petitioner were an attempt to comply with what she had been told by the Board, and were undertaken without prejudice to her appeal of the Board’s residency determination; the express language of the affidavit indicates that the Hillside residency was temporary; the petitioner’s testimony was very credible; and none of petitioner’s actions were done to evade school officials. The ALJ concluded that petitioner has proven that the family’s residence remains in Elizabeth; accordingly, petitioner’s appeal was granted and the Board’s counterclaim for tuition was denied.

Upon review on remand, the Commissioner adopted the ALJ’s Initial Decision issued August 18, 2023, as supplemented by the Initial Decision issued November 28, 2023, as the final decision in this matter. In so doing, the Commissioner noted that she is satisfied that petitioner’s residency appeal should be granted based on the additional factual findings made by the ALJ on remand and the ALJ’s determination that petitioner’s testimony regarding Exhibit R-6 was highly credible.

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.

377-23

OAL Dkt. No. EDU 02537-23, EDU 10585-23 (remand)

Agency Dkt. No. 63-3/23

## **New Jersey Commissioner of Education**

### **Final Decision**

J.B., on behalf of minor children, C.B. and C.B.,

Petitioner,

v.

Board of Education of the City of Elizabeth,  
Union County,

Respondent.

In this remanded matter, petitioner appealed the determination of the Elizabeth Board of Education (Board) that she and her minor children do not reside in Elizabeth. In an Initial Decision dated August 18, 2023, the Administrative Law Judge (ALJ) concluded that the family had temporarily relocated away from their home in Elizabeth due to a family emergency, but that their residence remained in Elizabeth and that the minor children were, therefore, entitled to a free education in Elizabeth's schools. The Board filed exceptions. The Commissioner remanded the matter for the ALJ to render factual findings regarding Exhibit R-6, consisting of documents that demonstrated that petitioner changed her address with multiple entities and submitted an affidavit to the Hillside school district that she and her children resided there.

In an Initial Decision dated November 28, 2023, the ALJ found that petitioner's changes of address and the affidavit submitted to the Hillside school district were an attempt to comply with what petitioner had been told by the Board, but were undertaken without prejudice to her

appeal of the Board's residency determination. The ALJ noted that the express language of the affidavit indicates that the Hillside residency was temporary. The ALJ found that petitioner's testimony was very credible, and that none of her actions were done to evade school officials. Accordingly, the ALJ granted petitioner's appeal and denied the Board's counterclaim for tuition. The parties did not file exceptions to the November 28, 2023 Initial Decision.

The Commissioner adopts the ALJ's Initial Decision issued August 18, 2023, as supplemented by the Initial Decision issued November 28, 2023, as the final decision in this matter. Upon consideration of the additional factual findings made by the ALJ, coupled with the ALJ's determination that petitioner testified very credibly regarding Exhibit R-6, the Commissioner is satisfied that petitioner's residency appeal should be granted.

When reviewing an ALJ's Initial Decision, the Commissioner "may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent and credible evidence in the record." *N.J.S.A. 52:14B-10(c); Parsells v. Bd. of Educ. of Borough of Somerville, Somerset Cnty.*, 254 *N.J.* 152, 159 (2023) (holding that the ALJ's credibility findings are entitled to deference). "When such a record, involving lay witnesses, can support more than one factual finding, it is the ALJ's credibility findings that control, unless they are arbitrary or not based on sufficient credible evidence in the record as a whole." *Cavalieri v. Bd. of Trs. of Pub. Empl. Ret. Sys.*, 368 *N.J. Super.* 527, 537 (App. Div. 2004).

Following a careful review of the entire record, the Commissioner has identified nothing arbitrary, capricious, or unreasonable about the ALJ's findings, which are adequately supported

by sufficient, competent, and credible evidence. The Commissioner concurs with the ALJ that J.B. and her minor children C.B. and C.B. were domiciled in Elizabeth during the 2022-2023 school year and that the minor children were therefore entitled to a free education in Elizabeth's public schools during that time period. Thus, the Board is not entitled to reimbursement from petitioner for tuition costs.

Accordingly, the petition of appeal is hereby granted, and respondent's counterclaim for tuition is hereby dismissed.

IT IS SO ORDERED.<sup>1</sup>

  
ANGELINA ALLEN McMILLAN, J.D.  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 20, 2023  
Date of Mailing: December 20, 2023

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<sup>1</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**  
**(SUPPLEMENTAL)**

OAL DKT. NO. EDU 10585-23

AGENCY DKT. NO. 63-3/23

**(ON REMAND)**

OAL DKT. EDU 02537-23

**J.B. ON BEHALF OF MINOR CHILDREN**

**C.B. AND C.B.,**

Petitioner

v.

**CITY OF ELIZABETH BOARD OF EDUCATION**

**UNION COUNTY,**

Respondent.

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**J.B.**, pro se

**Brian J. Kane**, Esq., for respondent Elizabeth Board of Education (LaCorte, Bundy,  
Varady and Kinsella, attorneys)

Record Closed: October 23, 2023

Decided: November 28, 2023

BEFORE **GAIL M. COOKSON**, ALJ:

**STATEMENT OF THE CASE**

This matter involved an appeal by J.B. from the non-residency determination made by the Board of Education of the City of Elizabeth (Board) with respect to her children C.B. and C.B., then in sixth and ninth grades. The petitioner challenged the finding of the

Board that they were not domiciled in the district and that her daughters were not entitled, therefore, to a free education.

### **PROCEDURAL HISTORY**

By Initial Decision dated August 18, 2023, I ruled in favor of petitioner's appeal of the Board's residency determination. The matter was then reviewed by the Commissioner who determined on September 29, 2023, that the factual record was unclear as to one exhibit (R-6) that related to the assertion of residency in the district of Elizabeth. Accordingly, the matter was remanded to the OAL on October 5, 2023. It was returned and assigned to me on October 23, 2023.

### **FACTUAL DISCUSSION**

I will not burden the record with duplicative information from the record already admitted during the prior plenary hearing and evaluated in the Initial Decision.

I apologize to the Commissioner and the parties that I did not comment on and refer to Exhibit R-6. In reviewing the record, it is clear to me, and I **FIND** the following supplemental findings:

In early April 2023, petitioner undertook to make changes to the addresses of certain of her accounts (MVC, bank; but not voter registration), and submitted an Affidavit to the Hillside Board of Education seeking to register them there in an attempt to comply with what she was being told by respondent, but without prejudice to her appeal herein. [R-6.] That Affidavit simply stated:

I [J.B.], will be residing at 1287 White St., Hillside, NJ with my husband [J.B.] and our children [C. and C.B.] to care for our family member in the home [V.B.] until the 1287 house is sold or other a [sic] permanent living accommodation are [sic] established for Mr. [V.B.]

Even the express language of this statement indicates that the Hillside residence was temporary, not permanent, nor intended to be. Furthermore, at the hearing, petitioner testified that Hillside actually refused to register her daughters because the house at 1287

White Street was still owned by the Estate of her mother-in-law and they could provide no affidavit of ownership, lease or other legal documentation.

I **FIND** the testimony of J.B. to have been very credible with respect to Exhibit R-6 and the efforts she made to attempt to comply with what she thought was required of her. A credibility determination requires an overall assessment of the witness' story in light of its rationality, internal consistency, and the manner in which it "hangs together" with the other evidence. Daiichi Pharm. Co. v. Apotex, Inc., 441 F. Supp. 2d 672 (D.N.J. 2006). Ms. B and Mr. B's statements made sense and it was clear that J.B. made conscious, thought-out decisions every time she was required to provide an address to a third party. None of this was done to evade school officials and I so **FIND**.

### **CONCLUSIONS OF LAW**

The right to a thorough and free education in the district of one's New Jersey domicile is well settled. A.M.S. ex rel. A.D.S. v. Bd. of Educ. of City of Margate, 409 N.J. Super. 149, 160-61 (App. Div. 2009). Therein, the court stated:

N.J.A.C. 6A:22-2.1(b) requires school districts to adopt written policies and procedures related to student residency and to incorporate Department of Education (DOE) regulations pertaining to student residency into each district's policies and procedures. Moreover, in doing so, "a district board of education shall construe the provisions" of DOE regulations governing student residency "liberally so as to effectuate the right of students to a free public education." Ibid.

With Hillside refusing to register these children, respondent was essentially depriving them of a free public education. Moreover, I have found that petitioner still considers her domicile to be Elizabeth, to which they intend to return, and in which they continue to participate in the community. Accordingly, I **CONCLUDE** that petitioner J.B. has met the burden of proof on her appeal of the Board's non-residency determination. Therefore, I also **CONCLUDE** that the Board is not entitled to an award in its favor on the counterclaim for the full amount of the partial school year tuition cost.

**ORDER**

Based on the foregoing findings of fact and conclusions of law, it is **ORDERED** that the relief requested by J.B. on behalf of her children be and the same is **GRANTED** and her residency appeal is **UPHELD**. The decision of the Board with respect to their right to a free public education in Elizabeth is **REVERSED**. Accordingly, it is further **ORDERED** that respondent City of Elizabeth Board of Education's counterclaim for tuition reimbursement be and the same 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.



November 28, 2023  
DATE

GAIL M. COOKSON, ALJ

Date Received at Agency: 11/28/23

Date Mailed to Parties: 11/28/23

id

**APPENDIX**

**LIST OF EXHIBITS**

**All Exhibits were provided with the original Initial Decision EDU 02537-23**

For Petitioner

- P-1 GSMLS Listing
- P-2 Medical Prescription of Disability of V.B.
- P-3 Before and After Photographs
- P-4 Email Correspondence re Listing
- P-5 Family Texts re Habitability Issues, etc.
- P-6 744 Trumbull Payments in Lieu of Rent
- P-7 Correspondence with District, with Affidavits
- P-8 Worker Compensation and Accident documentation

For Respondent

- R-1 Elizabeth BOE Demographics Information on C.B. and C.B.
- R-2 Investigation Report of William Buteau, dated May 23, 2023
- R-3 Notices of Initial Determinations of Ineligibility, dated February 7, 2023
- R-4 Notices of Initial Determinations of Ineligibility, dated February 24, 2023
- R-5 Laptop Surveillance
- R-6 Petitioner's Proof of Residency
- R-7 2022-2023 Elizabeth BOE School Calendar



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

**INITIAL DECISION**

OAL DKT. NO. EDU 02537-23

AGENCY DKT. NO. 63-3/23

**J.B. ON BEHALF OF C.B. AND C.B.,**

Petitioner,

v.

**CITY OF ELIZABETH BOARD OF EDUCATION,**

**UNION COUNTY,**

Respondent.

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**J.B.**, on behalf of **C.B.** and **C.B.** petitioner pro se

**Brian J. Kane**, Esq., for respondent City of Elizabeth Board of Education (LaCorte,  
Bundy, Varady & Kinsella, attorneys)

Record Closed: August 9, 2023

Decided: August 18, 2023

BEFORE **GAIL M. COOKSON**, ALJ:

**STATEMENT OF THE CASE**

Petitioner J.B. (petitioner or J.B.) filed and perfected a Petition of Appeal with the New Jersey Department of Education on or about March 7, 2023, from the final determination of the City of Elizabeth Board of Education (“District” or “Board”) dated

February 24, 2023, that she and her family are not domiciled in the Elizabeth and that her children could not continue to attend its schools for free as residents of the District. The Board answered the petition and filed a counterclaim demanding tuition repayment for the period since March 21, 2023.

### **PROCEDURAL HISTORY**

The Department of Education Office of Controversies and Disputes transmitted the Petition to the Office of Administrative Law (OAL) on or about March 22, 2023. After being assigned to this matter, I convened several telephonic conference calls to discuss preparation for the hearing and dates for same. An adjournment of one date was granted subject to the potential continued accrual of tuition reimbursement. The plenary hearing was held on August 9, 2023, on which date the record closed.

### **FACTUAL DISCUSSION**

Based upon the testimony of the witnesses and the documentary evidence presented, and with the opportunity to assess the credibility of the witnesses, I **FIND** the following:

William Buteau testified for the Board.<sup>1</sup> He has been an Investigator with the District's Legal Department for approximately six years. Prior thereto, Buteau had been with the Elizabeth Police Department for thirty-one years, leaving at the rank of Detective. In January of this year, he was assigned to investigate the petitioner's daughters who attended sixth and ninth grades in the District. The investigation arose as a result of the recent usage by school administrators of the Absolute software; that is, electronic reports of where school-issued laptops are being utilized by students. In this case, those electronic details or "pings" indicated that petitioner's children were using their computers consistently from a location in Hillside. Buteau also reviewed the registration information for these students and undertook some online research of persons, vehicles, and addresses associated with them and their

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<sup>1</sup> For clarity of presentation only and because petitioner is pro se, I had the District proceed first but the burden of proof remains on her.

family. Petitioner is registered with the school as living at 744 Trumbull Street, Elizabeth, New Jersey. On February 1, 2023, Buteau made his only visit to that location at approximately 10:00 or 11:00 a.m. No one was home and he made no contact with anyone at that time or since.

Buteau's research revealed that the house was owned by a woman whom he believed to be the grandmother of the students. He also traced the parents' vehicle registrations to an address in Mountainside. Buteau determined that the residence where the pings emanated most often, other than District facilities, was located at 1287 White Street in Hillside. The laptop usage appeared there on or about June 22, 2022. On February 7, 2023, the Legal Department issued Initial Notices of Ineligibility to petitioner alleging that her daughters lived outside the District and should be disenrolled. Final Notices were issued on February 24, 2023. Buteau did not write up his investigative report until May 31, 2023, after review of some documents submitted by petitioner in early April. Lastly, Buteau explained briefly how the tuition calculations were made based on the per diem rate and the number of days in the school year (75) since the issuance of the Final Notices.

On cross-examination and questioning from myself, Buteau acknowledged that he had interviewed no member of petitioner's family. He also clarified that the Elizabeth home was owned by petitioner's seventy-nine-year-old grandmother (the students' great-grandmother) and that petitioner's mother (the students' grandmother) also resided there.

Petitioner J.B. (Ms. B) and her husband J.B. (Mr. B) both testified at this hearing. Ms. B explained that they had always been forthcoming with the District as to a change in their family circumstances that necessitated that they stay at the Hillside residence on a temporary and emergency basis only. Mr. B's older brother – V.B. – resided there with his daughter. Their mother had also resided there until her death in October 2018, and it is her Estate that still owns the house. V.B. suffers from Huntington's disease, which is a neurodegenerative, progressive, and incurable condition. Only some years after their mother's death, Mr. and Ms. B became aware that V.B. was in arrears on the mortgage and that violations of odor ordinances had been issued to him. V.B. had been laid off in July 2022 due to his worsening condition and inability to do the work. He was collecting some

temporary disability income. They then realized that not only had his condition worsened but his living conditions had deteriorated to a shocking degree. The house was observed to be at an almost hoarder's level of clutter, mess, and disarray, and was unsanitary. Mr. B demanded that V.B.'s adult daughter vacate the premises; thereafter, he and petitioner began the long process of cleaning up the house, as evidenced by their before and after photos. There was some delay in this effort due to Ms. B being in a car accident last summer.

Mr. B described his brother as in denial and very uncooperative. While their sister, who suffered with the same genetic disease, had allowed her husband to become her power of attorney, V.B. refused to do similarly and has thus been unhelpful in pursuing Social Security or Medicaid benefits. Their plan is to relocate their brother to an assisted living facility. Although they have also considered relocating all of them back into 744 Trumbull, there is simply not enough room. They have listed the house for sale, which proceeds will be distributed pursuant to the Estate's instructions; however, Mr. B might forgo his portion if it is needed to help with V.B.'s care. They have also been looking for a larger temporary residence in Elizabeth until his brother can be placed in a care facility.

Mr. B also testified that because they were a tight-knit family, their daughters wanted to remain with their parents at the Hillside residence once it was liveable, and while he needed to be there to provide some care and stability for V.B. Both petitioner and her husband clearly stated their intent to remain residents of Elizabeth; that such has been their community for many years; and both daughters had proceeded through many school years in the District. They play in soccer leagues in the city, participate in parades, and have all their friends there.

On cross-examination, Mr. B explained that their personal vehicles are registered and insured at his business address but are not owned by the company. Although they had not had a formal lease for many years with petitioner's grandmother, petitioner and her husband had always contributed to the expenses at 744 Trumbull, providing \$400-500 cash to her grandmother every month.

I must make credibility determinations with regard to these potentially material facts. A credibility determination requires an overall assessment of the witness' story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Daiichi Pharm. Co. v. Apotex, Inc., 441 F. Supp. 2d 672 (D.N.J. 2006). After carefully considering the testimonial and documentary evidence presented and having had the opportunity to listen to the testimony and observe the demeanor of the witnesses, I am convinced that petitioner's testimony and that of her husband were very credible. Petitioners' testimony was sincere and forthright. As they stated, they were always upfront with the District as to what was happening and tried to fulfill all information requests. Accordingly, I **FIND** that petitioner and Mr. B have every intent to keep Elizabeth as their permanent residence.

### **LEGAL DISCUSSION AND CONCLUSIONS OF LAW**

The District claims that petitioner can no longer establish domicile in Elizabeth because they have relocated to Hillside to the home of V.B. Petitioner claims that this is just the result of a confluence of unfortunate medical and legal concerns they have with V.B., whom they now have a moral obligation to assist in spite of his lack of cooperation and worsening condition, because there is no one else who can handle it all.

It is undisputed that petitioner and her family established their domicile in Elizabeth many years ago. The right to a thorough and free education in the district of one's New Jersey domicile is well settled. A.M.S. ex rel. A.D.S. v. Bd. of Educ. of City of Margate, 409 N.J. Super. 149, 160-61 (App. Div. 2009). Therein, the court stated:

N.J.A.C. 6A:22-2.1(b) requires school districts to adopt written policies and procedures related to student residency and to incorporate Department of Education (DOE) regulations pertaining to student residency into each district's policies and procedures. Moreover, in doing so, "a district board of education shall construe the provisions" of DOE regulations governing student residency "liberally so as to effectuate the right of students to a free public education."

The Legislature has provided that local boards of education are responsible for the education of school-age children who reside within their respective district. N.J.S.A. 18A:38-1. Narrow exceptions to the domicile rule are also provided when, among other things, the parent or guardian is a temporary resident of a district, N.J.S.A. 18A-38-1(d), or a parent moves between districts as a result of homelessness. N.J.S.A. 18A-38-1(f). In any event, a child's district of residence is generally determined based upon the district of residence of the child's parent or guardian. See, e.g., N.J.S.A. 18A:7B-12; N.J.S.A. 18A-38-1.

Generally, eligibility under the education laws and regulations is framed as, in relevant part:

A student is eligible to attend a school district if he or she is domiciled within the school district. . . A student is domiciled in the school district when his or her parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.

[N.J.A.C. 6A:22-3.1(a)(4) (as amended 2013).]

It should be noted that the regulations had provided at the time of earlier decisions, e.g., K.L. v. Bd. of Educ., No. A-5671-07T1, 2010 N.J. Super. Unpub. LEXIS 11, at \*9 (Super. Ct. App. Div. Jan. 4, 2010):

A student is domiciled in the school district when he or she is living with a parent . . . whose permanent home is located within the school district. A home is permanent when the parent or guardian intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.

[N.J.A.C. 6A:22-3.1(a)(1).]

Petitioner has asserted that she and her family intend to return to the 744 Trumbull home and had no intent to move from it but did so out of necessity temporarily both as executors of the Estate and as informal guardians of V.B. Yet, as we see, this regulation as



amended no longer encompasses the concept of “intent.” 45 N.J.R. 1209(a) (May 20, 2013).

It is clear that the determination of “necessity” here is fact sensitive, on which issue petitioner has the burden of proof. Hawthorne BOE v. Prospect Park BOE and Dept. of Educ., OAL DKT. NO. EDU 16270-13, Final Agency Decision (May 12, 2014) <http://njlaw.rutgers.edu/collections/oal/>>. In Hawthorne, there was no evidence that petitioner’s family was a victim of an abrupt change of circumstances. In clear contrast, the family’s circumstances here are clearly distinguishable because they did temporarily become transient due to several emergencies (hoarder household; uncooperative ill brother; need for assisted living). See also S.J. o/b/o V.J. v. Bd. of Educ. of S. Orange-Maplewood, EDU 5656-07, Initial Decision (January 22, 2008), adopted, Comm’r (March 3, 2008), <http://njlaw.rutgers.edu/collections/oal/>> (family evicted from apartment and then drifted around while living in a beauty salon, with a friend, and with child’s grandmother in an attic); A.B. v. W. Orange Bd. of Educ., EDU13330-09, Initial Decision (January 25, 2010), adopted, Comm’r (April 13, 2010), <http://njlaw.rutgers.edu/collections/oal/>> (single mother evicted after losing full-time job and thereafter alternated between apartments of several friends).

This is the case of temporary relocation away from one’s abode due to fire, storms or other natural disasters, or exigent family emergency. On the basis of the above-referenced facts and legal authority, I **CONCLUDE** that petitioner has proven by the preponderance of the credible evidence that their residence remains in Elizabeth and that they have an intent to return there as soon as this temporary family emergency is resolved. These students should be permitted to receive a free public education in the City of Elizabeth.

### **ORDER**

Accordingly, it is **ORDERED** that petitioner’s appeal from the City of Elizabeth Board of Education residency determination is and the same is hereby **UPHELD** and the determination of the City of Elizabeth Board of Education on residency is **REVERSED**.

It is further **ORDERED** that the counterclaim of the City of Elizabeth Board of Education for tuition reimbursement 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.



August 18, 2023  
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DATE

\_\_\_\_\_  
**GAIL M. COOKSON, ALJ**

Date Received at Agency

8/18/23

Date Mailed to Parties:

8/18/23

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**APPENDIX**

**LIST OF WITNESSES**

For Petitioner:

J.B. (Mother)

J.B. (Father)

For Respondent:

William Buteau

**LIST OF EXHIBITS IN EVIDENCE**

For Petitioner

- P-1 GSMLS Listing
- P-2 Medical Prescription of Disability of V.B.
- P-3 Before and After Photographs
- P-4 Email Correspondence re Listing
- P-5 Family Texts re Habitability Issues, etc.
- P-6 744 Trumbull Payments in Lieu of Rent
- P-7 Correspondence with District, with Affidavits
- P-8 Worker Compensation and Accident documentation

For Respondent

- R-1 Elizabeth BOE Demographics Information on C.B. and C.B.
- R-2 Investigation Report of William Buteau, dated May 23, 2023
- R-3 Notices of Initial Determinations of Ineligibility, dated February 7, 2023
- R-4 Notices of Initial Determinations of Ineligibility, dated February 24, 2023
- R-5 Laptop Surveillance
- R-6 Petitioner's Proof of Residency
- R-7 2022-2023 Elizabeth BOE School Calendar