

New Jersey Commissioner of Education

Final Decision

H.E., on behalf of minor child, A.S.,

Petitioner,

v.

Union Township Board of Education, Union
County,

Respondent.

The record of this matter has been reviewed and considered. On May 12, 2026, the Union Township Board of Education (Board) determined that petitioner and her child, A.S., did not reside in the district and that A.S. was therefore not entitled to a free public education in the district. The notice issued to petitioner advised her that she could appeal the Board's decision to the Commissioner within 21 days. Petitioner filed her appeal in a timely manner, on May 20, 2026.

On May 21, 2026, the Office of Controversies and Disputes (C&D) sent an acknowledgment notice and copy of the petition to the Board's Secretary, thereby effectuating service on the Board pursuant to *N.J.A.C. 6A:3-8.1(b)*. On June 1, 2026, Jay Jung, Esq., of Taylor Law Group, LLC, sent an email to C&D to advise that their firm represented the Board. Mr. Jung noted that, upon review, it had been determined that petitioner was not afforded the

opportunity to appeal the residency decision in front of the Board.¹ Accordingly, the Board requested that C&D hold the matter in abeyance until the Board made a final decision regarding A.S.'s eligibility for a free public education in the district. On June 1, 2026, C&D confirmed receipt of Mr. Jung's letter and notified the parties that the matter would be held in abeyance to allow petitioner the opportunity to participate in a hearing before the Board. C&D requested that Board counsel notify C&D promptly once the hearing had been scheduled, and again after the hearing to advise regarding the outcome. C&D also confirmed that A.S. could not be disenrolled while the matter was pending.

C&D did not receive the requested updates from Board counsel. On June 24, 2026, C&D emailed Mr. Jung, as well as Philip Stern, Esq., who was copied by Mr. Jung on the June 1, 2026, letter and who is a partner and Chair of the Education Law Group at Taylor Law Group, LLC, to request an update. No response was received, and C&D sent a second email on July 1, 2026, requesting an update. Still no response was received. Accordingly, on July 7, 2026, C&D emailed Mr. Jung and Mr. Stern and advised that the Board's obligation to respond to the petition was being reinstated. The email further indicated that the Board must file its response on or before July 17, 2026. Mr. Jung responded to C&D on July 7, 2026, indicating that Mr. Stern was handling the matter and that once he returned,² he would provide a response on or before July 17, 2026.

¹ Mr. Jung's letter characterized the Board's decision as an "initial residency determination," but the May 12, 2026 notice issued by the district's residency office contains no indication that it is an initial residency determination.

² C&D received an automatic reply to the July 7, 2026 email from Mr. Stern's email account, indicating that he would be out of the office until July 13, 2026.

However, Mr. Stern did not respond by July 17, 2026, and he has not responded to date. Nor was any extension of the due date requested.

In light of these circumstances, and the Board having failed to respond to the petition of appeal or the many communications sent by C&D to Board counsel, the Commissioner concludes that it is appropriate to decide this matter on a summary basis, pursuant to *N.J.A.C. 6A:3-1.5(e)*. Each count in the petition is deemed admitted. Accordingly, the Commissioner accepts as fact that petitioner resides in the district, and that she has done so since the end of 2024. Furthermore, the Commissioner concludes that A.S. is entitled to a free public education in the district.

Accordingly, the petition of appeal is hereby granted. The Board's residency determination is reversed, and A.S. shall be permitted to remain enrolled in the district.

IT IS SO ORDERED.³


COMMISSIONER OF EDUCATION

Date of Decision: August 6, 2026
Date of Mailing: August 6, 2026

³ 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.