

#269-09 (OAL Decision: Not yet available online)

M.K. on behalf of minor child, S.T., :  
 PETITIONER, :  
 V. : COMMISSIONER OF EDUCATION  
 BOARD OF EDUCATION OF THE : DECISION  
 BOROUGH OF RIDGEFIELD,  
 BERGEN COUNTY, :  
 RESPONDENT. :

---

SYNOPSIS

Petitioner appealed the determination by the Board to disenroll her daughter, S.T. Petitioner M.K. and C.T. are the natural parents of S.T., who resided with both parents in Ridgefield until the parents separated in 2002. S.T. moved with her mother to another address in Ridgefield after the separation. In June 2004, M.K. was diagnosed with breast cancer. Between June 2004 and December 2005, M.K. underwent surgery, extensive follow-up treatment, and a lengthy recovery period, during which time she resided in Palisades Park with her mother. In December 2005, M.K. leased an apartment and resumed her residency in Ridgefield. During her mother’s illness and convalescence, S.T. moved in with her father at his Ridgefield residence. The Board contended that during the 2004-2005 school year, S.T. was not residing in Ridgefield, but in Palisades Park with her mother. The Board counterclaimed for tuition.

The ALJ found that: the undisputed facts show that S.T. was residing with her father in Ridgefield while her mother recuperated from a serious illness at her family’s home in Palisades Park; S.T. did not reside in Palisades Park with her mother; and petitioner has satisfied the requirements of *N.J.S.A. 18A:38-1*, in that S.T. resided with her father in Ridgefield while her mother temporarily moved to Palisades Park. Accordingly, the ALJ concluded that S.T. was entitled to a free public education in Ridgefield schools during the 2004-2005 school year, and ordered that the petition be granted and the respondent’s counterclaim for tuition be dismissed.

The Commissioner adopted the Initial Decision as the final decision in this matter.

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.

August 26, 2009

OAL DKT. NO. EDU 1996-06  
AGENCY DKT. NO. 25-1/06

M.K. on behalf of minor child, S.T., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
BOROUGH OF RIDGEFIELD,  
BERGEN COUNTY, :  
RESPONDENT. :

---

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties. For the reasons set forth therein, the Commissioner adopts the Initial Decision as the final decision in this case.

Accordingly, respondent's determination disenrolling S.T. is reversed, and the counterclaim for tuition is dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 26, 2009

Date of Mailing: August 28, 2009

---

\* 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*).