

New Jersey Commissioner of Education
Final Decision

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

Petitioner,

v.

Board of Education of the Township of
Morris, Morris County,

Respondent.

Synopsis

The Commissioner previously issued a decision in this case, concurring with the ALJ that G.G. was not domiciled in Morris Township between January 20, 2017 and February 2, 2018, and was therefore ineligible for a free public education in the school district during this period. The matter was remanded to the Office of Administrative Law (OAL) for the sole purpose of calculating the correct amount of tuition due to the school district for the period of G.G.'s ineligible attendance. Subsequent to the remand, the Board submitted a letter stating that the petitioner, C.G., had filed for bankruptcy. The Board requested that the Commissioner consider issuing a final decision based solely on the determination of G.G.'s residence in order to avoid the waste of judicial resources that would occur if the ALJ were to proceed with the recalculation of tuition.

Accordingly, the Commissioner affirmed the Initial Decision insofar as it concluded that G.G. was not domiciled within the Morris School District. *C.G. on behalf of minor child, G.G. v. Board of Education of the Township of Morris, Morris County*, Commissioner Decision No. 35-19, decided January 30, 2019. Further, the Commissioner rejected the Initial Decision's calculation of tuition and conclusions related thereto, as the Board effectively withdrew its counterclaim prior to the ALJ's issuance of the Initial Decision on Remand. 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.

July 26, 2019

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Respondent.

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

In the previous decision in this matter, the Commissioner concurred with the Administrative Law Judge (ALJ) that G.G. was not domiciled in the District between January 20, 2017 and February 2, 2018. *C.G. on behalf of minor child, G.G. v. Board of Education of the Township of Morris, Morris County*, Commissioner Decision No. 35-19, decided January 30, 2019. However, the Commissioner remanded the matter to the OAL to calculate tuition costs because there was insufficient evidence in the record regarding the number of school days in the relevant time period and the per diem tuition rate for each school year at issue. Following the remand, the Board submitted a letter dated March 11, 2019, recognizing that the petitioner had filed for Chapter 7 bankruptcy and, as such, it would be “a waste of judicial resources for the ALJ to proceed, on remand, to re-calculate the sum the petitioner owes

to the District...” Therefore, the Board requested that the Commissioner “consider issuing a final decision based solely upon the determination of G.G.’s residency.”

Accordingly, the Commissioner affirms the Initial Decision insofar as it concludes that G.G. was not domiciled in the district, which is consistent with *C.G. on behalf of minor child, G.G. v. Board of Education of the Township of Morris, Morris County*, Commissioner Decision No. 35-19, decided January 30, 2019. The Commissioner rejects the Initial Decision’s calculation of tuition and conclusions related thereto, as the Board has effectively withdrawn its counterclaim for tuition prior to the ALJ’s issuance of the Initial Decision on Remand. The instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: July 26, 2019
Date of Mailing: July 26, 2019

¹ 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)*.