



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, NJ 07102
(973) 648-6008

**A copy of the administrative law
judge's decision is enclosed.**

**This decision was mailed to the parties
on JAN 22 2013**



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 11863-12

AGENCY REF. NO. 214-7/12

R.L., ON BEHALF OF MINOR CHILD, K.O.L.,

Petitioner,

v.

**BOARD OF EDUCATION OF THE TOWNSHIP
OF HILLSIDE, UNION COUNTY,**

Respondent.

Elizabeth Athos, Esq., for petitioners (Education Law Center)

Derlys M. Gutierrez, Esq., for respondent (Adams, Stern, Gutierrez &
Lattiboudere, attorneys)

Record Closed: January 7, 2013

Decided: January 18, 2013

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

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner R.L. filed an appeal on behalf of his child K.O.L. (K.L.) from the determination of the respondent, Township of Hillside, Board of Education (Hillside) that he is not domiciled in its district. Hillside counterclaims for tuition reimbursement.

Petitioner filed an appeal with the New Jersey Department of Education (DOE) on July 31, 2012. Petitioner filed an amended Verified Petition on August 10, 2012. Hillside filed an Answer and Cross-petition for tuition reimbursement on August 29, 2012. The contested case was transmitted to the Office of Administrative Law (OAL), where it was filed on August 30, 2012. Petitioner filed a response to the Cross-petition on September 19, 2012. A pre-hearing conference was held on September 20, 2012. The hearing was held on December 10, 2012. Petitioner submitted a closing brief on December 21, 2012. Respondent submitted its closing brief on January 7, 2013. I closed the record at that time.

FACTS

The parties' submitted a Joint Stipulation of Facts. I **FIND** the following Stipulated Facts to be the **FACTS** of this case.

1. Petitioner, K.L., (d.o.b. 8/04/1998) is the fourteen-year-old son of petitioner R.L.
2. K.L.'s permanent residence is in a group home where he was placed by a State agency, the Division of Developmental Disabilities (DDD) in 2010.
3. K.L.'s DDD supervised group home, Community Options, is located within the school district of the Franklin Township Board of Education (Franklin).
4. Prior to his placement by DDD in a group home, K.L. resided at 1045 John Glenn Drive in Hillside, NJ with his father, step-mother, M.A.L, and his half-siblings, A.L. (d.o.b. 6/14/1999), A.L. (d.o.b. 10/14/2001), and R.L. (d.o.b. 3/26/2004).
5. R.L. was awarded sole legal and physical custody of K.L. by the Superior Court of New Jersey on April 11, 2008.
6. K.L.'s mother D.I. resides in Nigeria.
7. Respondent Hillside operates a public school district in the state of New Jersey.
8. K.L. was first evaluated by the Hillside Public School District in 2003 while enrolled in daycare. He was classified multiple disabled and provided IEP's dated March 7, 2003, and March 1, 2004, before leaving the school district.
9. In September 2008, after returning to the United States from the United Kingdom, K.L. was re-enrolled in the Hillside School District.

10. K.L. is classified as autistic and has a diagnosis of autism and psychotic disorder, not otherwise specified.
11. Hillside placed K.L. at the New Jersey Regional Day School while he resided with R.L.
12. While residing at the Community Options group home, K.L. receives educational services at a State-approved school for students with disabilities, the Children's Center of Monmouth County.
13. When K.L. moved to his group home in 2010, Hillside was determined by the DOE to be K.L.'s district of residence for school-funding purposes pursuant to N.J.S.A. 18A:7B-12(b) because K.L.'s father and legal guardian, R.L. resided in Hillside.
14. In January 2011, K.L.'s half-siblings were withdrawn from Hillside Public Schools to enroll in school in Massachusetts.
15. On June 6, 2012, the Hillside Superintendent of Schools Dr. Frank Deo sent R.L. a Notice of Residency Hearing, informing him that Hillside's administration had determined that K.L. was not domiciled in Hillside, NJ and scheduled a residency hearing for June 11, 2012.
16. R.L.'s participation in the residency hearing on June 11, 2012, occurred via speaker phone while R.L. was in Nigeria.
17. On July 27, 2012, R.L. received a letter from Dr. Deo dated July 17, 2012, informing him that the Board of Education has passed a resolution directing that K.L. be removed from the district.
18. R.L.'s pro se residency appeal was filed with the DOE on July 31, 2012.
19. R.L.'s amended Verified Petition was filed with DOE on August 10, 2012.
20. Hillside's Answer and Cross-petition for tuition was filed with DOE on August 29, 2012.
21. R.L. filed an Answer to Hillside's Cross-petition for tuition with the Office of Administrative Law on September 19, 2012.

TESTIMONY

Matthew Leonardis

Matthew Leonardis (Leonardis) has worked for Hillside for the past nine years. He is the residency coordinator. He is familiar with this matter. The case manager for K.L. had questions regarding his residency. An investigation into K.L.'s residency was done by Alex Munoz (Munoz). The conclusion of the investigation was that R.L. did not reside in the Township of Hillside.

A Notice of Residency Hearing was sent to R.L. by certified and regular mail at 1045 John Glen Drive, Hillside, NJ. The certified mail was returned. Leonardis was present at the residency hearing. He had not spoken to R.L. prior to the residency hearing. He does not know if there was a prior residency investigation regarding K.L. He does not know if R.L. has a Massachusetts driver's license, uses a Massachusetts address, or votes in Massachusetts. He does not know if Hillside asked the DOE for a residency re-determination on K.L. He does not know who would pay for K.L.'s education if R.L. is domiciled out of state.

Alex Munoz

Munoz has worked as the Hillside residency investigator for three years. He conducts investigations and formulates reports for residency hearings. When he is conducting an investigation he does a series of checks to determine if the parents reside at the address, including determining if they get mail at the address and questioning neighbors.

He conducted a residency investigation of R.L. at 1045 John Glen Drive, Hillside, at the request of Leonardis. The result of his investigation was that R.L. did not live at 1045 John Glenn Drive in Hillside. Munoz spoke to Cecil Cates (Cates), who stated that he was the sole resident at 1045 John Glenn Drive. Cates stated that he has a rent-to-own agreement at the property and he does not know R.L. Munoz made six visits to 1045 John Glen Drive. On his last visit he again spoke to Cates, who again stated that

he did not know R.L. Munoz did not inspect the property. He did not speak to the neighbors based on his conversation with Cates.

Munoz checked the property tax records for 1045 John Glen Drive. The records revealed M.A.L. as the owner of the property. He did not see the lease of Cates.

Munoz had not met R.L. He did not interview R.L. with regards to his residency. Munoz's impression was that R.L. is domiciled in Massachusetts based on the transfer card for K.L.'s siblings of January 2011, which showed that the children transferred to a school in Massachusetts.

Cheryl Morrison

Cheryl Morrison (Morrison) has worked as a child study team member for Hillside since 1986. She has been K.L.'s case manager since September 2008. She was his out-of-district case manager. K.L.'s residential placement is paid by the DDD. K.L. is taken to school by Joy Transportation. Hillside pays for K.L.'s transportation.

Once K.L. was placed in the group home, the district where the group home is located, Franklin Township, has the case management and IEP duties. Morrison acts as a liaison. She contacted Franklin regarding K.L. in May or June 2012. When she updated the computer with information regarding K.L., she saw that K.L.'s siblings were transferred out of district. She was informed by Franklin that the family moved but K.L. stayed in the group home. Morrison then requested a residency investigation.

She does not know if Hillside asked the DOE for a re-determination of K.L.'s residency. She does not know if any arraignments were made with any entity to pay for K.L.'s education. She does not know who would be responsible for K.L.'s education if R.L. is domiciled out of state.

R.L.

R.L. states that his address is 1045 John Glenn Drive, Hillside, NJ. He and his wife M.A.L. purchased the house in 2000. He does not know why his name is not on the deed. He has not lived anywhere else since he moved in to the house in 2001. He is a self-employed automobile sales representative with Zanitte Holdings Ventures Motors (Zanitte). The business address for Zanitte is 1045 John Glen Drive, Hillside, NJ. Zanitte exports cars, trucks, and vans to Nigeria and Europe. He travels to Nigeria for work purposes. He occasionally parks vehicles from his business in the driveway at 1045 John Glen Drive, Hillside.

In January 2011, R.L.'s wife, M.A.L. received a job offer in Massachusetts. M.A.L. and her children with R.L. moved to Framingham, Massachusetts at that time. She was going to go there for two years. They had a one-year lease on the premises in Framingham, which was extended for six months on July 31, 2012. R.L. joined his family in Massachusetts in July 2011. He leased their home to a friend of a friend, Cates. He met Cates the day before Cates signed the lease. R.L. is listed on the lease as the co-owner of the property. Cates had a one-year lease that was not extended. Cates still lives at 1045 John Glen Drive on a month-to-month tenancy. There was no rent-to-own provision in the lease. R.L. had an agreement with Cates that when he was in New Jersey he would use the basement of 1045 John Glen Drive to work or sleep.

R.L. was living in Massachusetts and coming to New Jersey occasionally for business or to see K.L. R.L. does not have a Massachusetts driver's license, his car is not registered in Massachusetts, he did not vote in Massachusetts, and he did not use a Massachusetts address. He receives mail at 1045 John Glen Drive, Hillside. He has New Jersey bank accounts.

Once K.L. entered the group home R.L. was not told to keep in touch with Hillside. When he is in New Jersey he takes K.L. to the mosque. He would bring K.L. to Massachusetts for visits. He never thought to bring K.L. to Massachusetts to live because after consulting with the group home, he believes that K.L. should stay in the group home. DDD is responsible for K.L. for the rest of K.L.'s life. Whenever he was in

New Jersey he would see K.L. R.L. had no contact with Hillside from May 2010 to June 2012.

R.L. did not intend to move to Massachusetts permanently. He expected to return to New Jersey in 2013. The family did not return in August 2012, because M.A.L. did not have a job in New Jersey. At that time M.A.L. delayed sending out her resume to companies in New Jersey because she was involved in a project at her job in Massachusetts. R.L. has spent most of his time in Massachusetts since July 2010.

R.L. went to Nigeria in October 2012. While he was there his wife informed him that she wanted a divorce. He came back to the United States on November 6, 2012. Since his return he has been to Massachusetts twice. M.A.L. had moved to a different address in Massachusetts. He lived temporarily with a friend in Hillside once he returned. He currently resides with his nephew Uthman Roworamino in Newark, NJ. R.L. plans to go back to Nigeria. He wanted to return to 1045 John Glen Drive until his wife asked for a divorce.

Although R.L. maintains a bedroom in the basement of 1045 John Glen Drive, he did not return to John Glen Drive after his November 2012 return from Nigeria. He stated that this was because the bedroom there is just a place to sleep. There is no entertainment in the basement. The basement is more of a stopping place for R.L. It was a place for R.L. to sleep, not live. R.L. did not always stay at 1045 John Glen Drive when he came to New Jersey.

FACTUAL DISCUSSION

In light of the contradictory testimony presented by respondent's witness and petitioner, the resolution of this matter requires that I make credibility determinations with regard to the critical facts. The choice of accepting or rejecting the witness's testimony or credibility rests with the finder of facts. Freud v. Davis, 64 N.J. Super. 242, 246 (App. Div. 1960). In addition, for testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved

as proper under the circumstances. See Spagnuolo v. Bonnet, 60 N.J. 546 (1974); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). A fact finder "is free to weigh the evidence and to reject the testimony of a witness even though not contradicted when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions which alone or in connection with other circumstances in evidence excite suspicion as to its truth." In re Perrone, 5 N.J. 514, 521-22 (1950); see D'Amato by McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997).

Having had an opportunity to observe the demeanor of the witnesses it is my view that Leonardis, Munoz, and Morrison were credible. Their testimony was truthful and accurate. They did not have anything to gain by their testimony. Leonardis and Morrison admitted that they did not know if Hillside contacted the DOE requesting a change in K.L.'s residency. Munoz admitted he did not speak to other neighbors after he spoke to Cates. I did not find R.L. to be credible. In his initial testimony he stated that since 2001, he has not lived anywhere other than 1045 John Glen Drive, Hillside, NJ. He later testified that in July 2011, he joined his family in Massachusetts and spent most of his time there. He testified that he had an agreement with Cates that when R.L. was in New Jersey he would stay in the basement of 1045 John Glen Drive to sleep and work. He later testified that he did not always stay in the basement at 1045 John Glen Drive, and that the basement was only a stopping area. R.L. testified that Cates is a month-to-month tenant, but when he returned from Nigeria after he was informed that M.A.L. wanted a divorce, he did not request Cates leave 1045 John Glen Drive, Hillside, NJ, in order for R.L. to reside there.

Based on the documentary and testimonial evidence presented to me and in view of the above credibility determinations, I make the following **FINDINGS** of critical **FACTS**:

R.L. moved to Massachusetts in July 2011. His business, Zanitte, maintains a business address at 1045 John Glen Drive, Hillside. He came to New Jersey

occasionally for business and for his son K.L. R.L. used a room in the basement of 1045 John Glen Drive as an occasional stopping place when he came to New Jersey for sleep or work. He did not always sleep at 1045 John Glen Park when he returned to New Jersey for business or to see K.L.

Munoz as part of his investigation visited the 1045 John Glen Drive, Hillside several times. R.L. was never present when Munoz was at the premises.

Cates signed a twelve-month lease for 1045 John Glen Drive with R.L. and M.A.L. from August 1, 2011, to August 1, 2012. After August 1, 2012, Cates was a month-to-month tenant. R.L. did not intend to return to New Jersey until his wife, M.A.L. had secured a job in New Jersey.

In October 2012, M.A.L. informed R.L. while he was in Nigeria that she wanted a divorce. R.L. and M.A.L. had moved with their children. R.L. upon returning from Nigeria lived with a friend in Hillside for a short period of time. He currently resides with his nephew in Newark, NJ. He never attempted to reside or make arraignments to reside at 1045 John Glen Drive, Hillside, NJ after he returned from Nigeria in November 2012. R.L. plans to move to Nigeria.

Hillside did not request that the DOE change K.L.'s residency.

LEGAL DISCUSSION AND CONCLUSIONS OF LAW

Public schools are required to provide a free education to individuals between the ages of five and twenty years who are domiciled within the school district. N.J.S.A. 18A:38-1(a). The domicile of an unemancipated child is that of her parent, custodian or guardian. P.B.K. ex rel minor child E.Y. v. Bd. of Educ. of Tenafly, 343 N.J. Super. 419, 427 (App. Div. 2001).

A person's **domicile** is a **permanent home** from which he or she does not intend to move. In re Unanue, 255 N.J. Super. 362, 374 (Law Div. 1991), aff'd, 311 N.J. Super. 589 (App. Div.), certif. denied, 157 N.J. 541 (1998), cert. denied, 526

U.S. 1051, 119 S. Ct. 1357, 143 L. Ed. 2d 518 (1999). Three elements may be considered when determining whether a **change of domicile** has occurred: (1) whether there has been an actual and physical establishment of an **abode** in a particular state; (2) whether the subject intends to make a home **permanently** or at least **indefinitely** in that state; and (3) whether the subject intends to **abandon** his or her previous **domicile**. Id. at 376. Once established, a person's **domicile** continues until superseded by a new **domicile**. Lyon v. Glaser, 60 N.J. 259, 277 (1972); In re Fisher's Will, 13 N.J. Super. 48, 53 (App. Div. 1951). Furthermore, "[t]he intention to make a new home must be unqualified [and] not conditioned on the happening of a future event." Sprague v. Sprague, 131 N.J. Eq. 104, 107 (E. & A.1942).

[Lipman v. Rutgers, 329 N.J. Super. 433, 444 (emphasis added).]

R.L. moved to Massachusetts in July 2011. He lived there with his wife and children until November 2012. R.L.'s return to New Jersey was contingent upon his wife finding an acceptable job in New Jersey. R.L. at a minimum made a home indefinitely in Massachusetts.

R.L. testified that he intended to return to 1045 John Glen Drive, Hillside in 2013. He stated that when he would return to New Jersey he would stay in a bedroom in the basement of the premises. He also testified that Cates was a month-to-month tenant beginning in August 2012. After his wife informed him that she was filing for divorce, he did not return to 1045 John Glen Drive, Hillside, even though he stated that he had a bedroom in the basement for when he was in New Jersey. In addition, he did not attempt to give Cates notice to leave the premises in order for R.L. to move into the house. R.L. later testified that it is his intention to move to Nigeria. R.L. abandoned 1045 John Glen Drive.

I **CONCLUDE** that R.L. was domiciled in Massachusetts from July 2011 thru November 2012.

N.J.A.C. 6A:23a-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-12b 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 the first paragraph of N.J.S.A. 18A:7B-12b 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-12b shall be determined by the Commissioner or his or her designee based upon the address submitted by the Department of Corrections, the Department of Human Services 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 Division of 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 which might enable redetermination of the district of residence.

(e) The Division of Finance shall attempt to resolve the dispute administratively and shall notify the district board of education whether a redetermination of district of residence shall be made within 90 days of the receipt of the 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 Division of 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 district board of education 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.

When K.L. was placed in the Community Options group home by DDD in 2010, his district of residence was Hillside. His father moved to Massachusetts in July 2011. The Commissioner determines the district of residence or present district of residence of a child placed in group home by a State agency. DDD is a State agency. K.L. was placed in the Community Options group home by DDD. Hillside did not provide any documentation that it contested or appealed to the Commissioner K.L.'s district of residence. The Commissioner's determination of K.L.'s district of residence has not

been reversed. Hillside has not filed an appeal or request for re-determination of K.L.'s district of residency. There is no evidence that Hillside complied with the provisions of N.J.A.C. 6A:23A-19.2(c), (e), and (f).

I **CONCLUDE** that Hillside did not comply with the provisions of N.J.A.C. 6A:23A-19.2(c), (e), and (f), therefore K.L.'s district of residence remains Hillside.

N.J.S.A. 18A:7b-12 provides:

For school funding purposes, the Commissioner of Education shall determine district of residence as follows:

a. (1) In the case of a child placed in a resource family home prior to the effective date [Sept. 9, 2010] of P.L. 2010, c. 69 (C.30:4C-26b et al.), the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred.

(2) In the case of a child placed in a resource family home on or after the effective date [Sept. 9, 2010] of P.L. 2010, c. 69 (C.30:4C-26b et al.), the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

b. 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, private schools or out-of-State facilities, 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.

c. The district of residence for children whose parent or guardian temporarily moves from one school district to another as the result of being homeless shall be the district in which the parent or guardian last resided prior to becoming homeless. For the purpose of this amendatory and supplementary act, "homeless" shall mean an individual who temporarily lacks a fixed, regular and adequate residence.

d. If the district of residence cannot be determined according to the criteria contained herein, or if the criteria contained herein identify a district of residence outside of the State, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per pupil cost established pursuant to section 24 of P.L. 1996, c. 138 (C.18A:7F-24). This amount shall be appropriated in the same manner as other State aid under this act. The Department of Education shall pay the amount to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L. 1995, c. 284 (C.52:17B-170) or, in the case of a homeless child or a child in a family resource home, the Department of Education shall pay to the school district in which the child is enrolled the weighted base per pupil amount calculated pursuant to section 7 of P.L. 2007, c. 260 (C.18A:7F-49) and the appropriate security categorical aid per pupil and special education categorical aid per pupil.

e. If the State has assumed fiscal responsibility for the tuition of a child in a private educational facility approved by the Department of Education to serve children who are classified as needing special education services, the department shall pay to the Department of Human Services, the Department of Children and Families or the Juvenile Justice Commission, as appropriate, the aid specified in subsection d. of this section and in addition, such aid as required to make the total amount of aid equal to the actual cost of the tuition.

R.L. was domiciled in Massachusetts from July 2011 through November 2012; from November 2012 to the present R.L. has stayed with a friend and his nephew; and he plans to move to Nigeria. Therefore R.L. is homeless. I **CONCLUDE** that R.L. is not responsible for tuition reimbursement to Hillside in accordance with N.J.S.A. 18A:7B-12(d) since he was domiciled in Massachusetts from July 2011 thru November 2012 and has been homeless since November 2012.

ORDER

Based on the foregoing, I **ORDER** that the decision of Hillside to remove K.L. is **REVERSED**.

It is further **ORDERED** that any change in residency for K.L. must be made in accordance with N.J.A.C. 6A:23A-19.2.


It is further **ORDERED** that Hillside's cross-petition for tuition reimbursement from R.L. 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, P.O. 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.

1-18-13
DATE


KIMBERLY A. MOSS, ALJ

Date Received at Agency:


DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

Date Mailed to Parties:

JAN 22 2013

ljb

APPENDIX

Witnesses

For Petitioner:

R.L.

For Respondent:

Matthew Leonardis

Alex Munoz

Cheryl Morrison

Exhibits

Joint:

- J-1 Notice of Residency Hearing dated June 6, 2012
- J-2 Residency Hearing Determination dated July 17, 2012
- J-3 Annual Review IEP dated May 24, 2012
- J-4 Reevaluation Eligibility Determination dated June 2, 2011
- J-5 Letter of Termination of Placement by Hillside dated July 19, 2012
- J-6 Letter of Acceptance from Franklin Township BOE dated April 26, 2010
- J-7 Civil Commitment Order dated April 15, 2010
- J-8 Monmouth County Children's Center Acceptance Letter dated April 23, 2010
- J-9 Cheryl Morrison email to R.L. dated March 26, 2010
- J-10 Cheryl Morrison letter to Franklin Township BOE dated March 26, 2010
- J-11 Letter from the Department of Human Services to R.L. dated June 18, 2010
- J-12 Letter from the Department of Human Services to R.L. dated June 29, 2010
- J-13 Deed dated August 17, 2000
- J-14 Renewal Amendment to Lease dated December 27, 2011
- J-15 Residential Lease dated July 14, 2011
- J-16 Certificate of Trade Name for Union County dated March 29, 2005
- J-17 R.L.'s Federal Tax Returns for 2011

- J-18 R.L.'s State Tax Returns for 2011
- J-19 Email from R.L. to Cheryl Morrison dated June 7, 2012
- J-20 Email from R.L. to Alex Munoz dated June 8, 2012
- J-21 Email from Alex Munoz, R.L., and Matthew Leonardis

For Petitioner:

- P-1 R.L.'s drivers license
- P-2 R.L.'s vehicle registration
- P-3 R.L.'s general election sample ballot for 2012 election
- P-4 Bank Statements for Zanitte Holdings Ventures Motors for May 2011-October 2012
- P-5 Bank Statements for R.L. and M.A.L. for April 2011-October 2012
- P-6 R.L. airline tickets to and from Nigeria
- P-7 Lease of Uthman Aroworamimo dated November 17, 2012
- P-8 DDD Individualized Health Plan for K.L. dated June 15, 2011
- P-9 DDD Individualized Health Plan for K.L. dated July 9, 2012

For Respondent:

- R-1 Residency Investigation Report by Alexander Munoz re: O.C.-B.
- R-2 Set of photographs of vacant apartment
- R-3 E-mail Frank to Munoz, June 15, 2012
- R-4 Hillside BOE Tuition Calculation Rates for 2011-2012 School Year
- R-5 Hillside BOE School Calendar for 2011-2012 School Year