

S.S., on behalf of her minor children, D.S. AND C.S.,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE FLEMINGTON-RARITAN REGIONAL SCHOOL DISTRICT, HUNTERDON COUNTY,	:	DECISION
RESPONDENT.	:	

SYNOPSIS

Petitioning parent challenged the Board's determination that her children were not domiciled in its district in the 2000-2001 school year and, thus, not entitled to a free public education in the district. The Board denied petitioner's assertion that she is domiciled in the district and sought payment of tuition for the 2000-2001 school year.

At the administrative hearing, petitioner sought to demonstrate that she originally resided in the district, but moved from the district when she signed a contract to have a home built in the district in which she would be domiciled, and that she again resided in the district in an apartment after the Board questioned her domicile. The ALJ determined that petitioner's proofs failed to demonstrate that she had a legitimate contract for the construction of a new home, or that she resided in an apartment in the district in the 2000-2001 school year and, thus, determined that petitioner's children were not entitled to a free education in the district.

The Commissioner affirmed the decision of the ALJ and determined that petitioner must reimburse the district tuition for her two children in the amount of \$15,578.41.

OAL DKT. NO. EDU 2171-01
AGENCY DKT. NO. 52-2/01

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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.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge's (ALJ) finding that petitioner was not domiciled in respondent's district for the school year in question and, therefore, her children were not entitled to a free public education in that district. Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein. Pursuant to *N.J.S.A. 18A:38-1b(2)*, the Commissioner directs that petitioner remit to the Board tuition for the 2000-2001 school year, which the record reveals totals \$15,578.41. (Exhibits R-2, P-10 and P-11)

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: 10/9/01

Date of Mailing: 10/9/01

* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.