

L.McN., on behalf of minor children,
D.M. AND D.Y.,

PETITIONER,

V.

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

RESPONDENT.

COMMISSIONER OF EDUCATION

DECISION

SYNOPSIS

Petitioning parent challenged Board’s residency determination that her children were not eligible for free public education in the Union Schools during September and October 2001.

The ALJ found that petitioner proved that, due to the events of September 11, she experienced problems with her house closing. She tried to explain this to the Board but, without a hearing, her children were removed from school. The ALJ reprimanded the Board for violating *N.J.S.A.* 18A:38-1b(2). In light of documentary and testimonial evidence, the ALJ concluded that petitioner and her children were domiciled in the District since September 14, 2001 and, thus, the children were entitled to a free public education in the District.

The Commissioner concurred that petitioner demonstrated that her children were entitled to a free public education, pursuant to *N.J.S.A.* 18A:38-1a. The Commissioner adopted the Initial Decision as his own.

August 1, 2002

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.

OAL DKT. NO. EDU 8106-01
AGENCY DKT. NO. 444-10/01

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COMMISSIONER OF EDUCATION

DECISION

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

Upon careful and independent review of the record in this matter, and based on the Administrative Law Judge's (ALJ) credibility determinations, the Commissioner concurs that petitioner has demonstrated that her children were entitled to attend school in the Board's District, free of charge, pursuant to *N.J.S.A.* 18A:38-1a.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 1, 2002

Date of Mailing: August 1, 2002

* 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.

