

S.G. AND N.G., E.N. AND F.N., on behalf of :
minor children, G.G., M.G. AND E.G., :
 :
 PETITIONERS, :
 : COMMISSIONER OF EDUCATION
V. :
 :
 : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF VOORHEES, CAMDEN :
COUNTY, :
 :
RESPONDENT. :

SYNOPSIS

Petitioning parents and relatives challenged the Board's residency determination.

The ALJ determined that petitioners suffered no hardship entitling the children to attend school in the Board's District and that the children were not domiciled in the District. The ALJ recommended dismissal of the petition and payment of tuition by petitioners for the period of ineligible attendance.

The Commissioner affirmed the decision of the ALJ.

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.

February 4, 2002

OAL DKT. NO. EDU 679-01
AGENCY DKT. NO. 35-2/01

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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, and based upon the Administrative Law Judge's (ALJ) credibility determinations, the Commissioner concurs that petitioners have failed to meet their burden of proving that G.G., M.G. and E.G. were entitled to a free education in the Board's District from the start of school in September, 2000, until May 13, 2001. *N.J.S.A. 18A:38-1 et seq.*

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein. Petitioners shall remit to the Board tuition as calculated in accordance with law.¹

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: 2/4/02

Date of Mailing: 2/4/02

¹ The pertinent statute provides that appeals of "affidavit student" eligibility determinations must be filed by the resident keeping the student. *N.J.S.A. 18A:38-1b(1)*. Further, "If in the judgment of the commissioner the evidence does not support the claim of the resident, he shall assess *the resident* tuition for the student prorated to the time of the student's ineligible attendance in the district." (emphasis added) (*Ibid.*)

² 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.