

24-02

H.M., on behalf of minor child, S.M. :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE :  
TOWNSHIP OF UNION, UNION : DECISION  
COUNTY, :  
RESPONDENT. :

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SYNOPSIS

Petitioner challenged the Board's residency determination.

The ALJ determined that petitioner is not domiciled in respondent's District and that his child is not entitled to a free education in the District. The ALJ ordered reimbursement of tuition.

The Commissioner affirmed the decisions of the ALJ with regard to both residency and tuition.

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.

January 28, 2002

OAL DKT. NO. EDU 5386-01  
AGENCY DKT. NO. 127-5/01

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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 in this matter, and based on the Administrative Law Judge's (ALJ) credibility determinations, the Commissioner concurs that petitioner has failed to prove that S.M. is entitled to a free public education in respondent's District.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein. The Commissioner directs that petitioner remit to the Board tuition in the amount of \$3,970.31,<sup>1</sup> together with \$43.63 per day from November 8, 2001 until the date of this decision.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: 1/28/02

Date of Mailing: 1/29/02

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<sup>1</sup> As the Initial Decision indicates, this figure represents tuition due and owing for March 26, 2001 until June 15, 2001, and September 7, 2001 through November 7, 2001, the date of the hearing in this matter.

<sup>2</sup> 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.