

R.C. and B.C. on behalf of minor children :  
L.D.C. and R.B.C., :  
PETITIONERS, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE :  
TOWNSHIP OF BLOOMFIELD, ESSEX :  
COUNTY. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioners contested respondent's determination that their children were not domiciled in respondent's district during the 2005-2006 school year. Respondent counterclaims for tuition reimbursement for the alleged period of ineligible attendance, based on observations by an investigator that L.D.C. and R.B.C. were living at their grandparents' address in East Orange.

The ALJ found that petitioners have proven by a preponderance of credible evidence that L.D.C. and R.B.C. were domiciled in respondent's school district during the period in question; that the address in East Orange was never a permanent domicile; and concluded that respondent's decision to disenroll petitioners' children must be overturned, and the Board's counterclaim for tuition is without merit.

Upon an independent and thorough review of the record, the Commissioner adopts the Initial Decision as the Final Decision in this matter.

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 7153-06  
AGENCY DKT. NO. 177-5/06

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The record of this matter and the Initial Decision have been reviewed. Although a hearing took place on September 8, 2006, the record does not include a transcript of same. No exceptions have been filed.

For the reasons set forth in the Initial Decision, the Commissioner adopts the Administrative Law Judge's (ALJ) determination that petitioners proved that B.C. and the children never relinquished domicile in Bloomfield, notwithstanding their intermittent stays – over several months – in the East Orange home of B.C.'s parents. Accordingly, the Commissioner adopts the Initial Decision overturning respondent's decision to disenroll the children and dismissing respondent's counter-claim for tuition.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: December 5, 2006

Date of Mailing: December 5, 2006

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\* This decision 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.*