

#324-07 (OAL Decision: Not yet available on-line)

J.A.M., ON BEHALF OF MINOR CHILD, :  
C.A.M., :  
: PETITIONER, :  
: COMMISSIONER OF EDUCATION  
V. :  
: DECISION  
: BOARD OF EDUCATION OF THE :  
: MORRIS HILLS REGIONAL SCHOOL :  
: DISTRICT, MORRIS COUNTY, :  
: :  
: RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner, who resides within respondent’s school district, contested respondent’s determination that his brother, C.A.M., is ineligible to attend Morris Hills schools, claiming C.A.M. is not living with his parents in Colombia, South America, because of an “economic and personal problem”. Respondent sought tuition reimbursement for the alleged period of ineligible attendance.

The ALJ found that: C.A.M. was not properly domiciled in respondent’s school district as required under *N.J.S.A. 18A:38-1(a)*; no legitimate proof was submitted by petitioner that he is the legal guardian of his brother; and petitioner failed to demonstrate a family or economic hardship that would render the parent unable to support or provide care for their son. The ALJ concluded that C.A.M. is neither domiciled in respondent’s district nor living in the home of someone domiciled in the district due to family or economic hardship, and granted the Board’s application for tuition in the amount of \$5,163.84, plus \$78.24 per day for each day of C.A.M.’s attendance in the district after June 6, 2007.

Upon a full and independent review of this matter, the Commissioner adopted the Initial Decision as the final decision, and directed that petitioner be assessed tuition for C.A.M.’s period of ineligible attendance, as set forth by 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.

August 15, 2007

OAL DKT. NO. EDU 3948-07  
AGENCY DKT. NO. 66-3/07

J.A.M., ON BEHALF OF MINOR CHILD, :  
C.A.M., :  
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 PETITIONER, : COMMISSIONER OF EDUCATION  
V. :  
 : DECISION  
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DISTRICT, MORRIS COUNTY, :  
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 RESPONDENT. :  
\_\_\_\_\_ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs that petitioner has failed to demonstrate C.A.M.'s entitlement to a free public education in respondent's school district pursuant to *N.J.S.A. 18A:38-1*.

Accordingly, for the reasons expressed therein, the Initial Decision of the OAL is adopted as the final decision in this matter. Petitioner is directed to remit to respondent tuition in the amount of \$5,163.84, plus \$78.24 per day for each day of C.A.M.'s attendance after June 6, 2007.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 15, 2007

Date of Mailing: August 15, 2007

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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.*