

#162-11 (OAL Decision: Not yet available online)

| | | |
|---|---|---------------------------|
| BOARD OF EDUCATION OF THE | : | |
| TOWNSHIP OF MAPLE SHADE, | : | |
| BURLINGTON COUNTY, | : | |
| | : | |
| PETITIONER, | : | |
| | : | |
| V. | : | COMMISSIONER OF EDUCATION |
| | : | |
| G.F., on behalf of minor children, G.F. and | : | DECISION |
| S.F., | : | |
| | : | |
| RESPONDENT. | : | |
| _____ | : | |

SYNOPSIS

Petitioning Board sought an order placing respondent’s children in the Maple Shade school district for the balance of the 2010-2011 school year, contending that Maple Shade is the school district of residence of respondent and placement in its schools is in the best interest of the children. Respondent, a former resident of Maple Shade, was designated “homeless” in November 2008 and since then has been relocated three times by the Burlington County Board of Social Services (BCBSS). In February 2010, the family was moved by the BCBSS to the municipality of Mount Laurel. Respondent enrolled his children in that school district for the current school year, and objected to their placement in the Maple Shade school district.

The ALJ found, *inter alia*, that: from February 16, 2010 to the present, respondent and his children have continuously resided in the municipality of Mount Laurel; during this period, they have continuously been classified as “homeless” by the BCBSS; petitioning Board learned for the first time at the hearing in this matter that respondent and his family have resided in Mount Laurel since February 2010; petitioning Board has withdrawn its claim to have respondent’s children enrolled in Maple Shade based on its understanding that it is no longer responsible for the educational costs of respondent’s children; although a family may fall under the rubric of “homeless,” it nonetheless achieves domicile for school law purposes after a continual year of residence in one district; accordingly, petitioning Board is responsible for the education of respondent’s children until February 16, 2011, and thereafter Mount Laurel became their domicile pursuant to *N.J.S.A. 18A:38-1d*. The ALJ ordered the petition dismissed, and further ordered that the Maple Shade School District is no longer responsible for the education of respondent’s children.

Upon review and consideration, the Commissioner adopted the OAL’s 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.

April 27, 2011

OAL DKT. NO. EDU 12486-10
AGENCY DKT. NO. 570-9/10

| | | |
|---|---|---------------------------|
| BOARD OF EDUCATION OF THE | : | |
| TOWNSHIP OF MAPLE SHADE, | : | |
| BURLINGTON COUNTY, | : | |
| | : | |
| PETITIONER, | : | |
| | : | |
| V. | : | COMMISSIONER OF EDUCATION |
| | : | |
| G.F., on behalf of minor children, G.F. and | : | DECISION |
| S.F., | : | |
| | : | |
| RESPONDENT. | : | |
| _____ | : | |

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

Upon such review, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 27, 2011
Date of Mailing: April 28, 2011

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36. (*N.J.S.A.* 18A:6-9.1).