

196-99

BOARD OF EDUCATION OF THE :  
BOROUGH OF WOODLYNNE, CAMDEN :  
COUNTY, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE BOROUGH : DECISION  
OF LINDENWOLD, CAMDEN COUNTY AND :  
A.S. AND S.S., as parents of A.S., :  
RESPONDENTS. :  
\_\_\_\_\_ :

SYNOPSIS

The Woodlynne Board appealed a determination by the County Superintendent of Schools that A.S. was homeless and Woodlynne School District was his district of residence.

The ALJ found that, for the period April 2, 1996 through June 1997, A.S. was not the child of a homeless family, in accordance with *N.J.A.C.* 6:3-8.3, and that respondent Lindenwold Board was responsible for his educational costs during this period.

The Commissioner concurred with the ALJ, clarifying, however, that A.S.'s entitlement to a free education in Lindenwold for this time period flows from his status as a child whose parents were domiciled in the district, as per *N.J.S.A.* 18A:38-1a, rather than from any status as an affidavit student, pursuant to *N.J.S.A.* 18A:38-1b(1), as the initial decision might have suggested. The petition was granted.

June 21, 1999

OAL DKT. NO. EDU 8609-97  
AGENCY DKT. NO. 121-3/97

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

The Commissioner concurs with the Administrative Law Judge (ALJ) that, for the period April 2, 1996 through June 1997, A.S. was not the child of a homeless family, in accordance with *N.J.A.C.* 6:3-8.3, and that the respondent Board of Education of the Borough of Lindenwold was responsible for his educational costs during this period. In so determining, however, the Commissioner clarifies that A.S.'s entitlement to a free education in Lindenwold for this time period flows from his status as a child whose parents were domiciled in the district, as per *N.J.S.A.* 18A:38-1a,<sup>1</sup> rather than from any status as an affidavit student, pursuant to *N.J.S.A.* 18A:38-1b(1).

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<sup>1</sup> Here, the Commissioner notes the testimony offered by S.S. that the house in Lindenwold could have remained the permanent residence of their family, had S.S.'s mother not decided to sell her house and move to Florida. (Initial Decision at p. 3)

Accordingly, as determined by the ALJ, Lindenwold was responsible for the educational costs for A.S. for the time period April 2, 1996 through June 1997.<sup>2</sup>

IT IS SO ORDERED.<sup>3</sup>

COMMISSIONER OF EDUCATION

June 21, 1999

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<sup>2</sup> Although the initial decision indicates that the within petition is dismissed (Initial Decision at p. 5), as this decision indicates, petitioner's prayer for relief is granted.

<sup>3</sup> This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.