

C.C., on behalf of minor son, J.H., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF : DECISION
THE TOWNSHIP OF UNION,
UNION COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent challenged Board's residency determination.

After a hearing at the OAL in which the ALJ found petitioner's testimony to be not particularly credible and noting petitioner's concession under cross-examination that information provided by her in various forms was intentionally false and designed to mislead school officials as to the true residence of petitioner and J.H., the ALJ determined that petitioner failed to meet her burden of establishing her domicile in respondent's district so as to entitle J.H. to a free public education. The ALJ dismissed the petition and ordered petitioner to pay respondent \$5,664 for educational costs for J.H. for the 1998-99 school year and \$37.63 per day for each day of his ineligible attendance for the 1999-2000 school year pursuant to *N.J.S.A. 18A:38-1b(2)*.

The Commissioner adopted the Initial Decision of the ALJ for the reasons expressed therein.

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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.¹

Upon careful and independent review of the record in this matter, and relying upon the credibility determinations of the ALJ,² the Commissioner concurs that petitioner has failed to establish by a preponderance of credible evidence that she is domiciled in respondent's District so as to entitle J.H. to a free public education.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein. Pursuant to *N.J.S.A. 18A:38-1b(2)*, the Commissioner directs that petitioner reimburse the Board the amount of \$5,664 representing educational costs for J.H for the 1998-1999 school year, and an additional \$37.63 per day for each day of his ineligible attendance for the 1999-2000 school year.³

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

January 21, 2000

¹ Although petitioner did file a letter of exception on January 3, 2000, this submission was neither timely filed nor served on the Board and Administrative Law Judge (ALJ), pursuant to *N.J.A.C. 1:1-18.4*.

² The Commissioner notes that the record before him does not include transcripts of the hearing conducted at the OAL in this matter.

³ 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.