





a playmate. Upon ringing the bell, they have been greeted by either [the sons], their mother, [petitioner], and on some occasions their grandmother.

We are aware that [the parents] are separated at this time and sometimes “Grandma” baby-sits so that [petitioner] can go to work. The friendship between our two sons and [petitioner’s] two sons remains the same.

Upon a thorough review of the record, including the parties’ exceptions, the Commissioner agrees with the findings and conclusions of the Administrative Law Judge (ALJ) which determine that petitioner’s children do not meet the eligibility requirements for attending school free of charge in respondent’s District pursuant to *N.J.S.A. 18A:38-1*.<sup>1</sup>

Upon examination of petitioner’s submissions to the record, and even granting petitioner every inference in her favor, the arguments she sets forth and documentation she submits do not overcome the weight of the evidence presented by the Board through the surveillance reports and certification of Janet Baumeister, its Attendance Officer which provide documentation that petitioner’s children are not domiciled in Point Pleasant Borough.

Accordingly, the Commissioner adopts the recommended order of the ALJ directing petitioner to pay tuition to the Point Pleasant Borough Board of Education in the amounts set forth in the Initial Decision for the period of ineligible school attendance by her sons during the 1999-2000 and the 2000-2001 school years.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: November 3, 2000

Date of Mailing: November 3, 2000

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<sup>1</sup> The Commissioner notes that there is nothing in the record of this matter indicating that an extraordinary circumstance prevented petitioner from attending the hearing, which was scheduled by the ALJ two months in advance; nor does petitioner make a claim of extraordinary circumstance for nonattendance at the hearing in her exceptions. Further, the Commissioner concurs with the ALJ that, under the particular circumstances of this matter, it was appropriate to request that the Board make a *prima facie* case in support of its position.

<sup>2</sup> This decision, as the Commissioner’s final determination, 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

