

BOARD OF EDUCATION OF THE :
TOWNSHIP OF PLUMSTED, :
OCEAN COUNTY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
E.J.M. AND W.L.M., : DECISION
RESPONDENTS. :
_____ :

SYNOPSIS

Petitioning school district sought, pursuant to statute and the district's written policy, tuition from respondents for a portion of the time their children attended petitioner's schools prior to respondent's being domiciled in the petitioning district. Respondents argued that, although they signed a form when enrolling their children agreeing to pay tuition for their children beginning November 1, 1999 if they were not domiciled in the district, because they were domiciled in the petitioning district for the majority of the 1999-2000 school year, they should not have to pay any tuition.

The ALJ determined that petitioner was entitled to tuition in the amount of \$726.38 pursuant to *N.J.S.A. 18A:38-1(b)(2)* and the district's written policy.

The Commissioner affirmed the decision of the ALJ for the reasons set forth therein.

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AL DKT. NO. EDU 2429-00
AGENCY DKT. NO. 104-3/00

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

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge's finding that respondents were not domiciled in petitioner's school district prior to November 20, 2000. He further concurs that petitioner acted within the scope of its authority and consistent with its policies and procedures in assessing tuition against respondents for their children's attendance in district schools prior to that date.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed

therein. Pursuant to *N.J.S.A.* 18A:38-1, the Commissioner directs that respondents reimburse petitioner for tuition in the amount of \$726.38.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 26, 2001

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* 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:2-1.1 *et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.