306-03

S.H., on behalf of minor children, S.H., E.H. AND S.H.,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF WEST ORANGE, ESSEX COUNTY,	:	DECISION
RESPONDENT.	:	

SYNOPSIS

Petitioning parent challenged the Board's residency determination. The Board counterclaimed for tuition.

The ALJ determined that even though petitioner desired to move into respondent's school District, she never did. Thus, S.H. and her children were never domiciled within the District and, therefore, did not meet the requirements set forth in *N.J.S.A.* 18A:38-1a. The ALJ concluded that petitioner's children were not entitled to a free public education in the District. The ALJ ordered petitioner's appeal denied and ordered that petitioner be assessed the tuition costs for the period of the children's ineligible attendance.

The Commissioner adopted the findings and determination in the Initial Decision as his own and directed petitioner to reimburse the Board for the period of her children's ineligible attendance.

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.

June 23, 2003

OAL DKT. NO. EDU 1355-03 AGENCY DKT. NO. 363-11/02

S.H., on behalf of minor children, S.H., E.H. AND S.H.,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
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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 filed no exceptions to the Initial Decision.

Upon his full and independent review, the Commissioner agrees with the conclusion of the Administrative Law Judge (ALJ) that petitioner has failed to meet her burden of proving, by a preponderance of the credible evidence, that she was a domiciliary of West Orange during the period from September 4, 2002 through the present time, so as to entitle her children, S.H., E.H. and S.H., to attend the Board's schools free of charge during this time. (*N.J.S.A.* 18A:38-1a.)

Accordingly, the Initial Decision of the OAL is adopted for the reasons expressed therein. Petitioner is directed to reimburse the Board for the period of her children's ineligible attendance in its schools, in accordance with law, at the rate as calculated by the ALJ.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision:June 23, 2003Date of Mailing:June 25, 2003

^{*} This decision 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.