

A.B., on behalf of minor children, K.B. AND	:	
A.B.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
BOROUGH OF MADISON, MORRIS	:	
COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

The record in this matter and the Amended Initial Decision<sup>1</sup> of the Office of Administrative Law have been reviewed. Exceptions filed by each party were considered by the Commissioner in making the determination herein.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that petitioner was not and is not homeless, nor has she been domiciled in the Madison School District since July 2001. Accordingly, the Commissioner finds that petitioner has failed in her burden of establishing that her two children were entitled to a free education in the Madison School District for the 2001-02, 2002-03 and 2003-04 school years. The Commissioner further agrees with the grant of the Board's counterclaim for tuition for the 2001-02, 2002-03 and 2003-04 school years as required

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<sup>1</sup> The Initial Decision, issued on October 15, 2004, was replaced by an Amended Initial Decision, which was issued on November 23, 2004.

by the August 10, 2004 Order of the Superior Court of New Jersey, Law Division, Morris County.

Accordingly, the Initial Decision is adopted for the reasons expressed therein.

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

COMMISSIONER OF EDUCATION

Date of Decision: December 21, 2004

Date of Mailing: December 21, 2004

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<sup>2</sup> 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.*