

L.T., on behalf of minor child, P.T., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF :
THE TOWNSHIP OF EWING, :
MERCER COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner – a resident of Ewing Township – contested respondent’s determination that her niece, P.T., is ineligible to attend school in respondent’s district, claiming that she has an order granting her residential custody of P.T. as of September 14, 2007. Respondent sought tuition reimbursement for the alleged period of ineligible attendance at the rate of \$57.29 per day.

The ALJ found that: P.T. was not properly domiciled in respondent’s school district as required under *N.J.S.A. 18A:38-1(a)*; petitioner does not support P.T. gratis, as P.T.’s mother makes a significant monthly contribution to her upkeep; petitioner’s testimony that P.T.’s mother lives in an abusive atmosphere is unpersuasive; and petitioner has failed to demonstrate that P.T. is entitled to attend Ewing schools free of charge because of a family or economic hardship. The ALJ concluded that petitioner is obligated to pay respondent \$57.29 per day for each day P.T. was enrolled in its schools while open for instructional purposes.

Upon a full and independent review of this matter, the Commissioner adopted the Initial Decision as the final decision, and directed that petitioner be assessed tuition for P.T.’s period of ineligible attendance, as set forth by the ALJ.

<p>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.</p>

OAL DKT. NO. EDU 8545-07
AGENCY DKT. NO. 288-10/07

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs – for the reasons fully set forth by the Administrative Law Judge – that the petitioner has not demonstrated D.T.’s entitlement to attend the schools of the district pursuant to *N.J.S.A. 18A:38-1*, and that the Ewing Township Board of Education is entitled to collect tuition for the period of her ineligible attendance.

Accordingly, the Initial Decision of the OAL – finding D.T. ineligible to attend Ewing Township schools and directing the petitioner to pay the Ewing Township Board of Education \$57.29 per day for each school day of D.T.’s enrollment from October 5, 2007 – is adopted as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: February 28, 2008

Date of Mailing: February 29, 2008

* 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.*