

#448-08 (OAL Decision: Not yet available online)

M.L. on behalf of minor child, G.R.C.L., :
 PETITIONER, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF BELLEVILLE,
 ESSEX COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioner appealed respondent’s determination that her son, G.R.C.L., is ineligible to attend Belleville schools, contending that: the family’s legal domicile is on Stephens Street in Belleville, where they own a two-family home; in December 2007, the family began a temporary residency in Piscataway to help care for a sick relative; and petitioners never intended to permanently abandon their residence in Belleville.

The ALJ found that: a child’s domicile is normally that of the parents; the evidence indicates that petitioners never intended to make Piscataway their permanent residence; the temporary move was for health reasons, and it is undisputed that petitioners maintained contacts with the Stephens Street house. Accordingly, the ALJ concluded that G.R.C.L. has been a Belleville domiciliary although temporarily residing in Piscataway during the winter/spring of 2008, and therefore the Board’s decision to disenroll G.R.C.L. must be overturned. The ALJ granted the appeal, and dismissed the Board’s counterclaim for tuition.

Upon thorough and independent review of the record, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter.

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.

November 12, 2008

OAL DKT. NO. EDU 5175-08
AGENCY DKT. NO. 86-3/08

M.L. on behalf of minor child, G.R.C.L., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF BELLEVILLE,
ESSEX COUNTY, :
RESPONDENT. :

The record of this matter and the Initial Decision have been reviewed. No exceptions were filed by the parties. For the reasons set forth therein, the Commissioner adopts the Initial Decision of the Office of Administrative Law as the final decision in this case.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: November 12, 2008

Date of Mailing: November 12, 2008

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.