

J.D., ON BEHALF OF MINOR	:	
CHILD, A.D.,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE	:	
LENAPE REGIONAL HIGH SCHOOL	:	
DISTRICT, BURLINGTON COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner filed a *Pro Se* residency appeal, challenging the respondent Board’s determination that her sister, A.D., is not entitled to a free public education in the Lenape Regional High School District. Respondent Board filed a motion for summary decision, which was not answered by the petitioner.

The ALJ found that: petitioner failed to establish that her parents are incapable of supporting or providing care for A.D. due to a family or economic hardship pursuant to *N.J.S.A. 18A:38-1*, and that A.D. was sent to reside with J.D. solely for the purpose of receiving a free education in the respondent’s district. Accordingly, the ALJ concluded that A.D. is not entitled to a free education in the Lenape Regional High School District, and that the Board is entitled to reimbursement of tuition in the amount of \$ 6,382.32.

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

<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>

April 2, 2009

OAL DKT. NO. EDU 8979-08
AGENCY DKT. NO. 269-9/08

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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 that petitioner has not demonstrated A.D.'s entitlement to attend the schools of the district pursuant to *N.J.S.A.* 18A:38-1, and that the Lenape Regional High School Board of Education is entitled to collect tuition for the period of her ineligible attendance in the district.

Accordingly, the Initial Decision of the OAL – directing that J.D. be assessed tuition in the amount of \$6,382.32 – is adopted as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 2, 2009

Date of Mailing: April 3, 2009

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