

28-00

J.A.D., on behalf of minor child, J.D., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF MARLBORO, MONMOUTH
COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent challenged Board's residency determination.

At the OAL the parties entered into a settlement agreement providing payment of tuition owing for the period of the 1998-99 school year that petitioner's son, J.D., was ineligible, pursuant to N.J.S.A. 18A:38-1, to attend respondent's schools free of charge, but petitioner failed to make the initial payment. The Board moved for summary decision. The ALJ granted the motion and ordered petitioner to pay respondent \$7,317 within 30 days of receipt of the final decision and order of the Commissioner in this matter.

The Commissioner adopted the recommended order but modified it to require payment within 60 days, consistent with the provisions of N.J.A.C. 6:24-1.16(c) for the award of post-judgment interest when a party fails to satisfy a claim.

January 18, 2000

OAL DKT. NO. EDU 2124-99
AGENCY DKT. NO. 39-3/99

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The record and Initial Decision issued by the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review of the record, the Commissioner adopts the Administrative Law Judge's recommended order that petitioner shall pay to respondent the sum of \$7,317 for tuition incurred during the period of the 1998-99 school year that petitioner's son, J.D., was ineligible, pursuant to *N.J.S.A. 18A:38-1*, to attend the Township of Marlboro Public Schools free of charge. However, the Commissioner modifies that portion of the recommended order which requires that petitioner's payment to respondent must be made within 30 days. Consistent with the provisions of *N.J.A.C. 6:24-1.16(c)* for the award of post-judgment interest when a party fails to satisfy a claim, the Commissioner finds 60 days from petitioner's receipt of this decision to be the appropriate period within which petitioner must satisfy the amount of \$7,317 owing and due to respondent.

Accordingly, respondent, J.A.D., is ordered to pay forthwith to the Marlboro Township Board of Education the sum of \$7,317 for tuition for her son, J.D., for the reasons set forth in the Initial Decision.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

January 18, 2000

* This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.