

C.B., on behalf of minor child, Q.B., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF HAMILTON, MERCER COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent challenged the Board’s residency determination that his child, Q.B., was not domiciled within the District. The Board sought tuition for the time of ineligible attendance in the District.

The ALJ found that, based on the testimony of the Township’s residency investigator, Q.B. was not domiciled in the District but was domiciled in Trenton. The ALJ determined that petitioner failed to sustain his burden of proof that Q.B. was entitled to a free public education in the District. The petition was dismissed; petitioner was ordered to pay tuition in the amount of \$5,914.92 for the period of Q.B.’s ineligible attendance in the District’s schools.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

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.

OAL DKT. NO. EDU 0243-03
AGENCY DKT. NO. 376-11/02

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

Upon his full and independent review, the Commissioner agrees with the determination of the Administrative Law Judge (ALJ) that petitioner has failed to sustain his burden, pursuant to *N.J.S.A.* 18A:38-1(b)(2), of establishing that his child, Q.B., was entitled to a free public education in the schools of Hamilton Township. The Commissioner similarly concurs with the ALJ that the Board must prevail on its counterclaim for tuition.

Accordingly, the recommended decision of the OAL is adopted. Petitioner is hereby directed to pay tuition in the amount of \$5,914.92 for the period of Q.B.'s ineligible attendance in the District's schools and the instant Petition of Appeal is dismissed with prejudice.¹

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: June 10, 2003

Date of Mailing: June 10, 2003

¹ The Commissioner does not reach to the \$202.50 sanction imposed on petitioner by the ALJ's Letter Order of April 3, 2003. Such sanction was imposed pursuant to *N.J.A.C.* 1:1-10.5 and, in accordance with *N.J.A.C.* 1:1-3.2(c)4, is outside the jurisdictional purview of the Commissioner of Education.

² This decision may be appealed to the State Board pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*