

C.P., on behalf of minor child, C.A., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF SOUTH PLAINFIELD,
MIDDLESEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner appealed the Board's residency determination that her nephew, C.A., was not eligible for a free education in the Borough of South Plainfield School District.

The ALJ found that the petitioner did not meet her burden of demonstrating that C.A. is entitled to attend school in respondent's district, pursuant to either the provisions of N.J.S.A. 18A:38-1(a) or those of 18A:38-1(b) regarding family or economic hardship. The ALJ cited as disqualifiers the petitioner's statements at the hearing and on the district's residency application that C.A.'s parents: 1) provide financial support; 2) visit him several times a year; and 3) placed him with petitioner for education. The ALJ concluded that the Board was correct in determining that C.A. is ineligible to enroll in the district's schools.

The Commissioner concurs with the findings of the ALJ in this matter. Accordingly, the Initial Decision of the OAL is adopted for the reasons expressed therein. The Commissioner notes that no tuition was ordered because C.A. did not attend respondent's schools during the pendency of the appeal.

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.

March 18, 2005

OAL DKT. NO. EDU 8785-04
AGENCY DKT. NO. 326-9/04

C.P., on behalf of minor child, C.A., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF SOUTH PLAINFIELD,
MIDDLESEX COUNTY, :
RESPONDENT. :
_____ :

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 met her burden of demonstrating that C.A. is entitled to attend school in respondent's district, pursuant to either the provisions of N.J.S.A. 18A:38-1(a) or those of 18A:38-1(b).

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter for the reasons expressed therein.

IT IS SO ORDERED.^{1 2}

COMMISSIONER OF EDUCATION

Date of Decision: March 18, 2005

Date of Mailing: March 18, 2005

¹ The Commissioner notes that no tuition was ordered in this matter because C.A. did not attend respondent's schools during the pendency of the appeal.

² 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.*