

S.B., on behalf of minor child, R.B., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION  
OF EWING, MERCER COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner filed a *Pro Se* Residency Appeal challenging the Board's residency determination that her nephew, R.B., was not eligible for a free education in the Township of Ewing School District during the 2005-2006 school year. Petitioner contended that R.B. did in fact reside in Ewing. Respondent Board filed a counterclaim for payment of tuition for R.B.

The ALJ found, *inter alia*, that: petitioner provided no evidence that she supported R.B. gratis throughout the year in question; R.B.'s mother, M.B., provided for all expenses incurred by her son; R.B. lived primarily in Trenton with M.B. from September 2005 to late February 2006; and, accordingly – pursuant to *N.J.S.A. 18A:38-1* and *N.J.A.C. 6A:22-3.2* – S.B. failed to meet her burden to prove that R.B. met the requirements governing attendance in a public school by an affidavit student. The ALJ dismissed the petition, and ordered S.B. to pay tuition in the amount of \$10,015.35.

Upon careful and independent review of the record, the Commissioner adopted the recommended decision of the OAL, dismissed the petition, and directed petitioner to pay tuition for the period of R.B.'s ineligible attendance in the Board's schools in the amount of \$10,015.35.

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.

February 5, 2007

OAL DKT. NO. EDU 8744-06  
(EDU 4412-06 ON REMAND)  
AGENCY DKT. NO. 201-6/06

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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 a full and independent review, the Commissioner agrees with the determination of the Administrative Law Judge (ALJ) that petitioner has failed to sustain her burden, pursuant to *N.J.S.A. 18A:38-1(b)(2)*, of establishing that R.B. was entitled to a free public education in the schools of Ewing Township during the 2005-2006 school year. 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 to the Board of Education of Ewing Township – in the amount of \$10,015.35 – for the period of R.B.’s ineligible attendance in its schools, and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: February 5, 2007

Date of Mailing: February 6, 2007

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\* 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.*