

R.C. on behalf of minor child, R.H., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF EWING,
MERCER COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner – a resident of Ewing Township – contested respondent’s determination that her niece, R.H., is ineligible to attend school in respondent’s district, claiming that R.H. resides with her because the child’s father, who has full legal custody, works long hours as a truck driver. Petitioner acknowledged that she receives financial assistance from R.H.’s father for clothing and medical costs. Respondent district asserts that R.H. is not entitled to a free education in Ewing and counterclaimed for tuition reimbursement.

The ALJ found that: legal custody of R.H. lies with her father; petitioner does not support R.H. gratis; the record is absent of evidence to show that there is a family or economic hardship pursuant to *N.J.S.A. 18A:38-1(b)* and *N.J.A.C. 6A:22-3.2(a)*; and the father’s work schedule does not constitute hardship for purposes of eligibility for public school attendance at an out-of-district school. The ALJ concluded that R.H. is not eligible for a free public education in Ewing township, and ordered the petitioner to pay the Board \$44.43 per day for each day of R.H.’s ineligible attendance.

Upon a full and independent review of this matter, the Commissioner concurred with the findings of the ALJ and adopted the Initial Decision 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>

OAL DKT. NO. EDU 8546-07
AGENCY DKT. NO. 289-10/07

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The record in this matter and the Initial Decision of the Office of Administrative Law (OAL) have been carefully reviewed. No exceptions were filed.

Upon such review, the Commissioner concurs with the Administrative Law Judge's (ALJ) analysis and adopts the recommended decision as the final decision in this case. Accordingly, the minor child, R.H., is not entitled to a free public education in respondent's district; the petition is hereby dismissed, and the petitioner is ordered to remit to respondent \$44. 43 for each day that R.H. attended school in Ewing.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: _____

Date of Mailing: _____

* 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.*

