

T.H. on behalf of minor child, J.R., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF SOMERVILLE,
SOMERSET COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner – a resident of the Borough of Somerville – contested respondent’s determination that her grandson, J.R., is ineligible to attend school in respondent’s district, claiming that J.R. resides with her in Somerville. Respondent Board did not file a counterclaim for tuition.

The ALJ found that: J.R. is not properly domiciled in respondent’s school district as required under *N.J.S.A. 18A:38-1(a)* and is therefore not entitled to attend Somerville Borough schools free of charge; petitioner does not support J.R. gratis, as the mother and stepfather make weekly contributions toward his support; there is no basis upon which to conclude that a family or economic hardship exists in this case; and tension and arguments among family members is not a legal basis to assert a claim of entitlement to attend public schools free of charge. The ALJ recommended dismissal of the petition.

Upon a full and independent review, the Commissioner adopted the Initial Decision as the final decision in this matter, noting that no tuition is due at this time as respondent Board did not file a counterclaim or provide proofs regarding tuition rates in the district.

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.

May 9, 2008

OAL DKT. NO EDU 249-08
AGENCY DKT. NO. 376-12/07

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No transcript of the March 3, 2008 hearing has been provided.

A letter from J.R.'s mother was received on April 11, 2008. The Commissioner may not rely on its contents because the letter was filed beyond the time allowed by *N.J.A.C.* 1:1-18.4 for exceptions and was not submitted by the petitioner.

After careful and independent review, the Commissioner adopts the Initial Decision as the final decision in this case. The petition is hereby dismissed, and respondent's decision not to provide J.R. with a free public education in its schools stands.¹ As respondent did not file a counterclaim for tuition or provide proofs upon which to calculate tuition, no tuition reimbursement is currently due.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: May 9, 2008
Date of Mailing: May 9, 2008

¹ The instant decision is no bar to the family's future ability to apply to enroll J.R. in respondent's schools if they establish residence in respondent's district.

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.*