

EDU # 9790-01
C # 344-02
SB # 40-02
App. Div. #A-3183-02T3

D.L. and Z.Y., on behalf of minor :
children, T.L. and K.L., :
 :
PETITIONERS-APPELLANTS, : STATE BOARD OF EDUCATION
V. :
 : DECISION
BOARD OF EDUCATION OF :
PRINCETON REGIONAL SCHOOL :
DISTRICT, MERCER COUNTY, :
 :
RESPONDENT-RESPONDENT. :
_____ :

Decided by the Commissioner of Education, September 16, 2002

Decided by the State Board of Education, January 8, 2003

Remanded by the Appellate Division, February 5, 2004

For the Petitioners-Appellants, D.L. and Z.Y., pro se

For the Respondent-Respondent, Sills Cummis Radin Tischman Epstein &
Gross (Philip E. Stern, Esq., of Counsel)

This matter is before us pursuant to a remand by the Appellate Division. The Court reversed the State Board's decision of January 8, 2003, in which we concluded that the petitioners had not demonstrated that their children were entitled to a free public education in the Princeton Regional School District during the period between January 2000 and April 2001. In so doing, we found that, although the petitioners had purchased a condominium in Princeton in early 2000 and listed their house in West

Windsor for sale, they had not shown that they were domiciled in Princeton during the period at issue. In reversing that decision, the Appellate Division concluded that the petitioners had demonstrated by a preponderance of the evidence that they were domiciled in Princeton from February 29, 2000, when they closed on their home in Princeton. The Court remanded the matter to the State Board “for a determination of the amount of tuition owed, if any, to the Princeton Regional School District for the period of time the children were enrolled in the district from January 2000 until February 29, 2000....” Appellate Division’s Decision, slip op. at 7.

In view of the Court’s decision, we remand this matter to the Commissioner of Education for such proceedings as may be required to fulfill the terms of that decision. We do not retain jurisdiction.

June 2, 2004

Date of mailing _____