H.B.M., on behalf of minor children, A.M. AND C.M.,	:	
	:	
PETITIONER,		:
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF BEDMINSTER, SOMERSET COUNTY,	:	DECISION
RESPONDENT.	:	

## **SYNOPSIS**

Petitioning parent involved in divorce proceedings challenged Board's residency determination.

Based on the evidence and testimony presented, the ALJ concluded that petitioner's children were entitled to a free public education in Bedminster Township pursuant to *N.J.S.A.* 18A:38-1. Moreover, the Board was not entitled to recovery of tuition.

Relying upon the credibility determinations of the ALJ and the record, the Commissioner adopted the findings and conclusions of the ALJ. Commissioner ordered the Board to continue to admit petitioner's children into its public school system, free of charge, so long as there is no change in petitioner's circumstances that would alter the children's entitlement.

AUGUST 21, 1997

## OAL DKT. NO. EDU 10856-96 AGENCY DKT. NO. 553-11/96

H.B.M., on behalf of minor children, A.M. AND C.M.,	:	
	:	
PETITIONER,		:
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF BEDMINSTER,	:	DECISION
SOMERSET 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 careful and independent review of the record in this matter,<sup>\*</sup> and relying upon the credibility determinations rendered by the ALJ, the Commissioner affirms the ALJ's findings and conclusions, and concurs that petitioner has demonstrated that she and her children are domiciled within the District, so as to permit the children to attend school in the Board's District, free of charge, pursuant to *N.J.S.A.* 18A:38-1a.

Accordingly, the initial decision of the OAL granting petitioner's appeal to set aside the Board's decision to disenroll her children is adopted as the final decision in this matter.

<sup>&</sup>lt;sup>\*</sup> It is herein noted that while the record before the Commissioner did not include a transcript of the hearing before the OAL, it did contain a transcript of the hearing conducted before the Board on October 28, 1996, which

The Board is hereby ordered to continue to admit petitioner's children into its public school system, free of charge, so long as there is no change in petitioner's circumstances that would alter the children's entitlement.

IT IS SO ORDERED.

## COMMISSIONER OF EDUCATION

AUGUST 21, 1997

transcript makes reference to numerous documents brought by petitioner to the Board's record in this matter. It is also noted that the record herein contained a copy of the videotape prepared by the Board's investigator.