

E.F., on behalf of minor child, R.F.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
TOWNSHIP OF BRANCBURG,	:	
SOMERSET COUNTY,	:	
	:	
RESPONDENT.	:	

SYNOPSIS

Petitioning parent and resident of Branchburg sought to have minor son's (R.F.) tuition to Hunterdon Central Regional High School (HCRHS) paid for by respondent Board for school years 1996-97 and 1997-98. Under a sending-receiving relationship, Somerville High School is the designated high school for residents of Branchburg Township. Petitioner contended despite the sending-receiving relationship, there has been a long-standing de facto sending-receiving relationship with HCRHS.

ALJ determined that petitioner failed to demonstrate any legal entitlement to R.F.'s attendance at HCRHS and further failed to show that the Branchburg Board abused its discretionary powers in refusing to pay R.F.'s tuition to said high school.

Commissioner concurred with the ALJ's determination and adopted the decision as his own. Petition was dismissed.

April 27, 1998

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions and the Board's reply thereto are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in rendering the within decision.

Upon careful and independent review of the record in this matter,¹ the Commissioner concurs that petitioner has failed to demonstrate a legal entitlement to R.F.'s attendance at the Hunterdon Central Regional High School, and has further failed to show that the Branchburg Board has abused its discretionary powers in refusing to pay R.F.'s tuition to said high school.

Accordingly, the initial decision of the OAL is adopted for the reasons expressed therein, and the Petition of Appeal is hereby dismissed.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

April 27, 1998

¹ It is noted that the record included copies of transcripts from the hearing conducted on February 25, 1997 and September 18, 1997, but does not include a copy of the transcript of the proceedings held February 28, 1997. (Initial Decision at p. 2)

² This decision, as the Commissioner's final determination in the instant matter, 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.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.