

BOARD OF EDUCATION OF THE MORRIS	:	
HILLS REGIONAL SCHOOL DISTRICT,	:	
MORRIS COUNTY,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE DEPARTMENT OF	:	DECISION
EDUCATION, DIVISION OF FINANCE,	:	
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioning Board appealed Department's determination that it was responsible for pupil J.G.'s placement in correctional facility. Board denied such responsibility as J.G., though a resident of a constituent member of the Regional School District, had attained the age of 20 years on or about April 27, 1995 and was thus ineligible for the receipt of a free public education during the 1996-97 school year.

ALJ found that for 21-year-old *nonclassified* pupils like J.G., neither the State Constitution nor the education statutes place any obligation on local boards of education to provide a free public education for them wherever they reside, be it in a correctional facility or anywhere else. Since J.G. was not a classified pupil eligible for special education services pursuant to *N.J.S.A. 18A:46-1* or *N.J.A.C. 6:28-1.3*, he had no statutory entitlement to the receipt of free public education services beyond age 20. As a nonclassified pupil in a state correctional facility over the age of 20, he "aged out." ALJ concluded that the Board was not responsible for J.G.'s educational costs for the 1996-97 school year. ALJ ordered that the tuition monies withheld from the Board for that school year be credited to it.

Commissioner adopted findings and determination in initial decision as his own.

MAY 22, 1998

BOARD OF EDUCATION OF THE MORRIS :
HILLS REGIONAL SCHOOL DISTRICT, :
MORRIS COUNTY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE DEPARTMENT OF : DECISION
EDUCATION, DIVISION OF FINANCE, :
RESPONDENT. :
:

The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. Respondent'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.¹

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that, in accordance with applicable law and regulation, petitioner was not responsible for J.G.'s educational costs for the 1996-97 school year, and the tuition monies withheld from the Board must, therefore, be credited to it.

Accordingly, the initial decision of the ALJ is adopted for the reasons well expressed therein.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

¹ It is noted that the exceptions reiterate arguments which were presented to the ALJ, and were fully and fairly considered by him.

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.

MAY 22, 1998