

W.H., on behalf of minor child, M.H., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
BOROUGH OF NEPTUNE CITY,  
MONMOUTH COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioning parent challenged Board's residency determination that his son was not entitled to a free public education in the District's schools.

In light of witnesses and exhibits presented, the ALJ concluded that petitioner and his son were not domiciled in the District during the 1997-98 school year. ALJ ordered petitioner to pay the amount of \$5,897 owed.

Commissioner adopted findings and determination in initial decision as his own and directed petitioner to pay the Board the tuition owed for M.H.'s ineligible attendance at District schools.

December 15, 1998

OAL DKT. NO. EDU 2644-98  
AGENCY DKT. NO. 72-3/98

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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 his independent and careful review, the Commissioner concurs with the conclusion of the Administrative Law Judge that, as petitioner has failed to sustain his burden of establishing that he is domiciled in the Borough of Neptune City, his minor child, M.H., is not entitled to a free public education in the District's schools and, therefore, petitioner must pay the Board tuition for the period of M.H.'s ineligible attendance.

Accordingly, the initial decision of the OAL is affirmed. Petitioner is hereby directed to pay the Board tuition of \$5,897 for M.H.'s ineligible attendance at District schools for the 1997-98 school year.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

December 15, 1998

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\* 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.