

D.K.S. AND K.S.S., on behalf of minor	:	
child, H.I.L.,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
BOROUGH OF FORT LEE, BERGEN	:	
COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

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SYNOPSIS

Petitioners challenged Board's residency determination.

The ALJ concluded that petitioners satisfied the residency requirements pursuant to *N.J.S.A. 18A:38-1(b)1* because they are domiciled within the district and supporting H.I.L. *gratis*, the parents are presently not capable of supporting him due to family hardship, and H.I.L. is not residing with petitioners solely for the purpose of receiving a free public education in the district.

The Commissioner adopted the decision of the ALJ for the reasons expressed therein and ordered the Board to continue to admit H.I.L. into its public school system, free of charge, so long as there is no change in circumstances that would alter H.I.L.'s entitlement.

AUGUST 25, 1999

OAL DKT. NO. EDU 3341-99  
AGENCY DKT. NO. 43-3/99

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, the Commissioner concurs that petitioners have demonstrated that the minor child, H.I.L., is entitled to attend school in the Board's district, free of charge, pursuant to *N.J.S.A. 18A:38-1b(1)*. Accordingly, the initial decision of the OAL is adopted for the reasons expressed therein. The Board is hereby ordered to continue to admit H.I.L. into its public school system, free of charge, so long as there is no change in circumstances that would alter H.I.L.'s entitlement.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

AUGUST 25, 1999

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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.