

BOARD OF EDUCATION OF THE :
CITY OF BURLINGTON, BURLINGTON :
COUNTY, :
 :
PETITIONER, :
 :
V. : COMMISSIONER OF EDUCATION
 :
 : DECISION
NEW JERSEY STATE DEPARTMENT OF :
EDUCATION, DIVISION OF FINANCE, :
 :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning Burlington Board contested the determination of the Department that the Board was responsible for tuition costs and expenses for R.E., a special education student placed in a residential facility.

The ALJ determined that R.E.'s mother, also R.E., lived in respondent's District at the time of placement. The Board admitted that R.E. lived in the District from February 1996 until June 1996, but contended that R.E. was never a legal resident since she lived with a friend temporarily. The ALJ determined that the district of residence for the purposes of *N.J.S.A.* 18A:6-9, *N.J.A.C.* 6:5-1.1 through 5-1.10, and *N.J.A.C.* 6:24 was Burlington, on the date of the child's placement in a residential facility. Petition was dismissed.

The Commissioner adopted findings and determination in Initial Decision as his own.

OAL DKT. NO. EDU 6011-97
AGENCY DKT. NO. 160-5/97

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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 determines to adopt the Initial Decision of the ALJ. Accordingly, the within petition is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 1, 2000

Date of Mailing: June 1, 2000

* This decision, as the Commissioner's final determination, 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.