

302-00

M.J., on behalf of minor grandson, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. :
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF WEST ORANGE, ESSEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioning grandparent challenged Board's residency determination that petitioner's grandson, P.J., was not entitled to a free public education within the District.

The ALJ found that P.J. was living permanently with petitioner and petitioner has provided support for P.J. since he was three months old. Petitioner met the burden of demonstrating an economic hardship on behalf of the mother that required P.J. to live with him. The ALJ concluded that petitioner sustained his burden of proof and that no tuition was owed to the District.

The Commissioner adopted the findings and determination in Initial Decision as his own. The Commissioner ordered the Board to continue to admit P.J. into its public school system, free of charge, so long as there is no change in circumstances that would alter his entitlement.

September 11, 2000

OAL DKT. NO. EDU 11825-99
AGENCY DKT. NO. 303-10/99

M.J., on behalf of minor grandson, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP :
OF WEST ORANGE, ESSEX COUNTY, : DECISION
RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Respondent's exceptions and petitioner's reply thereto are duly noted, and were considered by the Commissioner in reaching his decision.

Upon careful and independent review of the record in this matter, the Commissioner concurs that petitioner has demonstrated that his grandson, P.J., 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 P.J. into its public school system, free of charge, so long as there is no change in circumstances that would alter his entitlement.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 11, 2000

Date of Mailing: September 15, 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. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.