

254-01

K.L. AND C.L., on behalf of minor child, N.L., :
PETITIONERS, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
FREEHOLD REGIONAL HIGH SCHOOL :
DISTRICT, MONMOUTH COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parents challenged the Board's residency determination. The Board denied the allegations of the petition and sought reimbursement of tuition.

The ALJ determined that petitioners were not domiciled in the District and that the Board is entitled to reimbursement of \$8,975.

The Commissioner affirmed the determination of the ALJ.

August 13, 2001

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Petitioners’ exceptions, which were submitted in accordance with *N.J.A.C.* 1:1-18.4, challenge the veracity of testimony presented by the Board, the amount of tuition charged by the Board, as well as the residency law itself, as applied in this matter.¹

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge’s (ALJ) finding that petitioners have failed to prove that N.L. was entitled to a free public education in respondent’s District for the 2000-2001 school year since they were not domiciliaries of the District at that time. *N.J.S.A.* 18A:38-1a. Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed

¹ Specifically, petitioners argue: “That all testimony offered on behalf of the Respondent was not truthful[.] That the amount trying to be charged for tuition, is well beyond the true cost of what a resident would pay through its tax burden charged based on property. That the residency law as it applies, is in itself illegal and [we] wish to appeal this decision based on that fact alone.” (Petitioners’ Exceptions)

therein. Pursuant to *N.J.S.A.* 18A:38-1b(2), the Commissioner directs that petitioners remit to the Board tuition for the 2000-2001 school year in the amount of \$8,975.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: August 13, 2001

Date of Mailing: August 13, 2001

² 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.