

371-01

S.S., on behalf of her minor	:	
children, D.S. AND C.S.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
FLEMINGTON-RARITAN REGIONAL	:	
SCHOOL DISTRICT, HUNTERDON	:	
COUNTY,	:	
	:	
RESPONDENT.	:	

SYNOPSIS

Petitioning parent challenged the Board's determination that her children were not domiciled in its district in the 2000-2001 school year and, thus, not entitled to a free public education in the district. The Board denied petitioner's assertion that she is domiciled in the district and sought payment of tuition for the 2000-2001 school year.

At the administrative hearing, petitioner sought to demonstrate that she originally resided in the district, but moved from the district when she signed a contract to have a home built in the district in which she would be domiciled, and that she again resided in the district in an apartment after the Board questioned her domicile. The ALJ determined that petitioner's proofs failed to demonstrate that she had a legitimate contract for the construction of a new home, or that she resided in an apartment in the district in the 2000-2001 school year and, thus, determined that petitioner's children were not entitled to a free education in the district.

The Commissioner affirmed the decision of the ALJ and determined that petitioner must reimburse the district tuition for her two children in the amount of \$15,578.41.

October 9, 2001

