

R.T., on behalf of minor children, A.T. and S.T., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE CITY OF : DECISION  
LINDEN, UNION COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner challenged the Board's determination that she was not domiciled in the District and, thus, that her children were not entitled to a free education in the Board's District.

The ALJ determined that petitioner is not domiciled in the District, that her children were not entitled to a free education therein, and that petitioner owed the Board \$17,935.90, plus \$47.44 per child per day from December 11, 2001 onward, for tuition for her children.

The Commissioner affirmed the ALJ's decision, including the amount of tuition owed.

OAL DKT. NO. EDU 3420-01  
AGENCY DKT. NO. 66-3/01

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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 filed no exceptions to the Initial Decision.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner has failed to meet her burden of proving, by a preponderance of the credible evidence, that she was a domiciliary of Linden during the period from November 17, 2000 through the present time, so as to entitle her children, A.T. and S.T., to attend the Board's schools free of charge during this time. In so finding, the Commissioner notes, as did the ALJ, the conflicting nature of the testimony brought to the record by petitioner with respect to her claim of domicile.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons expressed therein. Petitioner is directed to reimburse the Board for the duration of her children's ineligible attendance in its schools, a total of \$17,935.90 for the period November 17, 2000 through December 10, 2001, and a per diem amount of \$47.44 per child for the period from

December 11, 2001 to the date of the children's removal from the Board's school district.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: 4/8/02

Date of Mailing: 4/8/02

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\* 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:2-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.