

J.A. AND M.C., on behalf of minor child, M.A., :
 :
 PETITIONERS, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE TOWNSHIP OF BELLEVILLE, ESSEX COUNTY, : DECISION
 :
 RESPONDENT. :

SYNOPSIS

Petitioning relatives challenged the Board’s residency determination that M.A. did not reside in the District for a portion of the school year. The Board, recognizing the family’s financial situation, sought tuition reimbursement for only 41 school days from November 2002 to February 2001.

The ALJ found that M.A., the daughter of J.A. and niece of M.C., was not a legal resident of the District during a portion of the time she was in attendance at Belleville High School. M.C. and M.A. admitted that M.A. did not reside in Belleville for a time but as of February 2002, M.A. became a legal resident of Belleville when custody was granted to her aunt, M.C. She remained a resident when legal custody was transferred to her grandmother. The ALJ ordered petitioners to pay the District \$1,999.98, the tuition owed for only 41 school days of the nonresident attendance.

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

OAL DKT. NO. EDU 5138-02
AGENCY DKT. NO. 99-4/02

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge's (ALJ) finding that M.A. was not properly domiciled in the respondent's District until February 2002 and, therefore, was not entitled to a free public education in that District until that time.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein and the Commissioner directs that petitioners remit to the Board tuition in the amount of \$1,999.98.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 11, 2003

Date of Mailing: April 11, 2003

* This decision 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.*