

639-03

T.L.S., on behalf of minor child, J.L.S., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
BOROUGH OF DUNELLEN,  
MIDDLESEX COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioning parent challenged the Board's residency determination that petitioner and her child, J.L.S., were not domiciled in the District. The Board counterclaimed for tuition and costs.

In light of the record and the testimony of witnesses, the ALJ found that petitioner did not prove by a preponderance of evidence that J.L.S. was eligible for a free education based on domicile within the District. Thus, the ALJ dismissed the petition and granted the Board's counterclaim for tuition and costs. The ALJ ordered petitioner to pay \$7,175 in tuition and \$378.69 in sanctions to the Board.

The Commissioner concurred with the dismissal of the petition and the grant of tuition to the Board. The Commissioner, however, did not reach to the order for sanctions, since final agency review of such orders is within the sole purview of the Director of the OAL.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

November 20, 2003

OAL DKT. NO. EDU 2714-03  
AGENCY DKT. NO. 115-4/03

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\_\_\_\_\_ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that J.L.S. is not domiciled in the respondent's school district and that the Board of Education is entitled to collect tuition from T.L.S. in the amount of \$7,175 for the period of J.L.S.'s ineligible attendance. The Commissioner does not, however, reach to the ALJ's recommended order for sanctions, since final agency review of such orders is within the sole purview of the Director of the OAL pursuant to *N.J.A.C.* 1:1-3.2(c)4.

Accordingly, the Initial Decision of the OAL, recommending dismissal of the Petition of Appeal and granting the Board's counterclaim for tuition, is adopted for the reasons expressed therein.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: November 20, 2003

Date of Mailing: November 20, 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.*