

T.D'O. and R.D., on behalf of minor children, :  
 J.F.D., S.M.D. and S.C., :  
 PETITIONERS, :  
 V. : COMMISSIONER OF EDUCATION  
 BOARD OF EDUCATION OF THE BOROUGH : DECISION  
 OF FORT LEE, BERGEN COUNTY, :  
 RESPONDENT. :  
 \_\_\_\_\_ :

SYNOPSIS

Petitioning parents challenged the Board's decision to deny enrollment to their children based on *N.J.A.C. 6A:28-2.4(a)(1)(vii)*, which provides that where the students' dwelling is located within 2 or more local districts, the district of domicile for school attendance purposes shall be that of the municipality to which the resident pays the majority of property tax.

The ALJ found that it was undisputed that petitioners' property was located both in Fort Lee and Englewood and that the majority of the property taxes for the residence were paid to the City of Englewood. Therefore, it would be unfair for respondent to bear the financial burden of providing a free public education to petitioners' children while the City of Englewood received the benefit of the bulk of petitioners' taxes. The ALJ concluded that petitioners' children were not entitled to a free public education in the Borough of Fort Lee. *Citing Zadran*, the ALJ also concluded that, under the facts of this case, it would be inequitable to assess tuition against petitioners for the period of their children's attendance in respondent's schools.

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

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.



*Belleville*, 97 N.J.A.R. 2d (EDU) 335, *aff'd in part, rev'd in part*, State Board of Education, April 1, 1998.

Accordingly, the Initial Decision of the OAL is adopted for the reasons clearly stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: September 2, 2003

Date of Mailing: September 4, 2003

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\* 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.*