

D.H., on behalf of minor children, B.M. and B.H., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE :
SOUTH ORANGE-MAPLEWOOD SCHOOL :
DISTRICT, ESSEX COUNTY, :
RESPONDENT. :
_____ :

DECISION

SYNOPSIS

Petitioning parent challenged the Board's residency determination that her children, B.M. and B.H., were not entitled to a free public education in the District for the 2002-03 and 2003-04 school years.

The ALJ concluded that petitioner, who claimed to be homeless, failed to sustain her burden of proof that B.M. and B.H. were domiciled in the District or that the District was the district of residence. The ALJ dismissed the petition and ordered petitioner to reimburse respondent the tuition owed.

The Commissioner adopted the Initial Decision as his own and directed payment for the period of B.M. and B.H.'s ineligible attendance in the District.

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.

May 14, 2004

OAL DKT. NO. EDU 09659-03
AGENCY DKT. NO. 317-9/03

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PETITIONER, :
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DECISION
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_____ :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed by the Deputy Commissioner to whom this matter has been delegated pursuant to *N.J.S.A.* 18A:4-33. No exceptions were filed by the parties.

Upon review, the Deputy Commissioner concurs, for the reasons stated in the Initial Decision, that petitioner has failed to carry her burden of demonstrating B.M. and B.H.'s entitlement to attend school in South Orange-Maplewood free of charge.

Accordingly, for the reasons expressed therein, the Initial Decision is adopted as the final decision in this matter. The Petition of Appeal is dismissed, and petitioner is directed to pay to the respondent Board of Education, for the period of B.M. and B.H.'s ineligible attendance in the District, tuition in the amounts set forth by the Administrative Law Judge.

IT IS SO ORDERED. *

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: May 14, 2004

Date of Mailing: May 17, 2004

* 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.*