

T.S., ON BEHALF OF MINOR :
CHILDREN, M.S. AND M.C., :
 :
 PETITIONERS, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 : DECISION
 BOARD OF EDUCATION OF THE :
 TOWNSHIP OF GLOUCESTER, :
 CAMDEN COUNTY, :
 :
 RESPONDENTS. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal, challenging the respondent Board's determination that she is not a *bona fide* resident nor is she domiciled within its school district, and therefore her two children are not eligible for a free public education in Gloucester Township schools. Petitioner stated in her appeal, dated December 2005, that she was not at that time living in the district.

The ALJ found that: petitioner was unable to provide any documentation sufficient to support her claim that she is a resident domiciled in the district; petitioner, by her own admission, is seeking housing in the school district, but has not been able to acquire such housing since September 2005 when her two children were enrolled in respondent's schools; petitioner's children are not eligible for a free public education in Gloucester Township schools. The ALJ dismissed the appeal and ordered petitioner to pay respondent tuition in the amount of \$4,599.34 per child for the period between September 6, 2005 and February 23, 2006, plus any additional days of attendance beyond February 23, 2006 at the rate of \$43.39 per day per child.

The Commissioner concurs with the ALJ that petitioner has not demonstrated that her children are entitled to a free education in the respondent's school district, and adopts the Initial Decision as the final decision in this matter. The Commissioner directs petitioner to remit tuition to the Board of Education as stated in the Initial Decision; the Board is authorized to disenroll M.S. and M.C. unless it determines to permit their further attendance on a discretionary basis.

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.

April 13, 2006

OAL DKT. NO. EDU 10225-05
AGENCY DKT. NO. 353-12/05

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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.¹

Upon review, the Commissioner concurs that petitioner has not demonstrated that her children are entitled to a free education in the respondent's school district pursuant to *N.J.S.A. 18A:38-1*.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter. The Board is authorized to disenroll M.S. and M.C. unless it determines to permit their further attendance on a discretionary basis, and petitioner is directed to remit tuition to the Board of Education in the amount of \$4,599.34 per child

¹ Petitioner submitted a letter indicating that the district had acted to disenroll her children upon receipt of the Initial Decision, and asking that the Commissioner allow them to finish the year in the district on a tuition basis, notwithstanding the district's refusal at that point to do so. The former issue was resolved upon the district administration's recognition that the OAL order was not effective unless and until adopted by the Commissioner, while the latter is a matter of local board discretion which the Commissioner may not disturb in the absence of a showing that the district's action was arbitrary or unlawful – a conclusion which the present factual record does not support.

for the period from September 6, 2005 through February 23, 2006, and \$43.39 per day per child for each day of attendance thereafter.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 13, 2006

Date of Mailing: April 14, 2006

² 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.*