

A.P., SR., on behalf of minor child, D.K., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF BORDENTOWN : DECISION
REGIONAL SCHOOL DISTRICT,
BURLINGTON COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner contested respondent's determination that his ward, D.K., was not domiciled in respondent's district during the 2005-2006 school years. Respondent counterclaims for tuition reimbursement for the alleged period of ineligible attendance, based on observations by an investigator that D.K. was living at an address in Burlington.

The ALJ found that petitioner has proven by a preponderance of evidence that D.K. was domiciled in respondent's school district during the period in question; that the address in Burlington was never a permanent domicile; and concluded that respondent was required to provide D.K. with a free public education. The ALJ dismissed the respondent's counterclaim for tuition.

Upon an independent and thorough review of the record, the Commissioner adopts the Initial Decision as the Final Decision in this matter.

<p>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.</p>

January 18, 2007

OAL DKT. NO. EDU 0541-06
AGENCY DKT. NO. 24-1/06

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PETITIONER, :
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon a full and independent review, the Commissioner concurs with the Administrative Law Judge, for the reasons clearly presented in his decision, that A.P. was a domiciliary of respondent's district for the period at issue herein, *i.e.*, December 12, 2005 through June 20, 2006, thereby entitling minor child D.K. to free attendance in the district's schools during this time.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 18, 2007

Date of Mailing: January 18, 2007

* 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.*