

#300-07 (OAL Decision: Not yet available on-line)

D.R.P., ON BEHALF OF MINOR	:	
CHILD, B.L.DeP.,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF HAMPTON,	:	
SUSSEX COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner – a resident of Hampton Township – contested respondent’s determination that her nephew, B.L.DeP., is ineligible to attend school in respondent’s district, claiming that she was in the process of taking guardianship because of family or economic hardship pursuant to *N.J.S.A. 18A:38-1(b)*. Respondent sought tuition reimbursement for the alleged period of ineligible attendance.

The ALJ found that: B.L.DeP. was not properly domiciled in respondent’s school district as required under *N.J.S.A. 18A:38-1(a)*; no proof was submitted by petitioner that she is the legal guardian of her nephew; both D.R.P. and D.S. – B.L.DeP.’s mother – failed to demonstrate a family or economic hardship that would render the parent unable to support or provide care for her son. The ALJ concluded that B.L.DeP. is neither domiciled in respondent’s district nor living in the home of someone domiciled in the district due to family or economic hardship, affirmed the Board’s decision to remove the child from district schools, and granted the Board’s application for tuition in the amount of \$3,751.02 plus \$59.54 per day for each day of B.L.DeP.’s attendance in the district after April 4, 2007.

Upon a full and independent review of this matter, the Commissioner adopted the Initial Decision as the final decision, and directed that petitioner be assessed tuition for B.L.DeP.’s period of ineligible attendance, as set forth by the ALJ.

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.

July 25, 2005

OAL DKT. NO. EDU 3139-07
AGENCY DKT. NO. 17-1/07

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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 that petitioner has failed to meet her burden of establishing B.L.DeP.’s entitlement to attend school in the Board of Education’s district pursuant to *N.J.S.A. 18A:38-1*.

Accordingly, the Initial Decision of the OAL – dismissing the Petition of Appeal and directing that petitioner be assessed tuition in the amount of \$3,751.02 plus \$59.54 for each day of B.L.DeP.’s continued attendance subsequent to April 4, 2007 – is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: July 25, 2007
Date of Mailing: July 25, 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.*