

OAL DKT. NO. EDU 12530-07
AGENCY DKT. NO. 355-11/07

Z.A., on behalf of minor child, J.K., :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 BOROUGH OF SADDLE RIVER, :
 BERGEN COUNTY, :
 :
 RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions and replies of the Board – filed in accordance with *N.J.A.C. 1:1-18.4*¹ – were fully considered by the Commissioner in reaching her determination herein.

Petitioner’s exceptions recast and reiterate her arguments advanced below, again presenting in detail reasons why she feels justified in withholding information with respect to her domicile. As the Commissioner determines that all of this “justification” was fully considered and addressed by the Administrative Law Judge (ALJ) in his initial decision it, will not, therefore, be revisited here.

Upon full and independent review of the record, the Commissioner agrees with the ALJ that summary decision is appropriately granted to the Board – as petitioner’s failure to

¹ It is noted that although the OAL mailing advisory sheet purports that the Initial Decision was mailed to the parties on March 14, 2008, the OAL’s decision mailing envelope addressed to petitioner (copy included with her exceptions) evidences a postmark mailing date of March 19, 2008.

provide and unwillingness to demonstrate any proof of residency is fatal to her claim that J.K. is entitled to a free public education in the district schools.

Accordingly, the recommended decision of the OAL is adopted for the reasons presented therein and the within petition of appeal is dismissed. Petitioner is directed to remit tuition to the Board for the period of J.K.'s ineligible attendance in its schools in the amount of \$22,625.66 plus \$58.75 per diem for each day of attendance after March 5, 2008.²

IT IS SO ORDERED.³

COMMISSIONER OF EDUCATION

Date of Decision: April 23, 2008

Date of Mailing: April 24, 2008

² It is noted that the ALJ's computation of tuition on Page 5 of his decision is incorrect. For the 2005-06 school year petitioner owes tuition of \$5,506.69 (97 days of her son's ineligible attendance @ \$56.77 per diem); for the 2006-07 school year she owes \$10,538.97 (183 days of ineligible attendance @ \$57.59 per diem); and for the 2007-08 school year she owes \$6,580 (112 days of ineligible attendance calculated to the date of the hearing on March 5, 2008) plus \$58.75 per diem for every day subsequent to this date that J.K. continues impermissibly to attend the Board's schools. (See Board's Motion for Summary Decision at 6)

³ 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.*