

#370-08 (OAL Decision: Not yet available on-line)

WILLIESHA WHITE, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE CITY : DECISION
 OF LINDEN, UNION COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner challenged respondent Board's determination that she was not a resident of Linden during most of her last year in high school in 2006-2007. The petition was initially filed by Williesha White's mother on behalf of her minor daughter, but petitioner prosecuted the appeal on her own behalf as she attained the age of eighteen in February 2007. The Board contended that their investigation showed that petitioner and her mother resided in Piscataway during the time in question, and counterclaimed for tuition reimbursement for the period of petitioner's ineligible attendance.

The ALJ found that: petitioner's case was predicated upon a driver's license on which the address had been changed two days before the Board hearing in this matter and the testimony of petitioner's mother as to when she moved into the address at which she claimed to be domiciled at the time of the hearing; petitioner failed to produce any documentation of residency; and the respondent Board presented credible testimony of several investigators regarding their surveillance of the Linden address at which petitioner purported to live. The ALJ concluded that petitioner did not sustain her burden of proving that she was domiciled in Linden during the time in question; that the Board demonstrated that it is more likely than not that petitioner and her mother were not domiciled in the district during that time. Accordingly, the ALJ dismissed the petition and granted the Board's counterclaim for tuition.

Upon a full and independent review of this matter, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter. Petitioner is directed to pay tuition to the Board in the amount of \$6,586.92 (114 days @ \$57.78 per diem) for the period of her ineligible attendance.

<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>

September 10, 2008

OAL DKT. NO. EDU 5370-07
AGENCY DKT. NO. 108-4/07

WILLIESHA WHITE, :
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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 such review, the Commissioner concurs with the findings and conclusion of the Administrative Law Judge that petitioner has failed to sustain her burden of establishing that she was a domiciliary of Linden during the period from December 20, 2006 through June 21, 2007 and, therefore, she was not entitled to a free public education in the District's schools during this time.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and petitioner is hereby directed to pay tuition to the Board in the amount of \$6,586.92 (114 days @ \$57.78 per diem) for this period of ineligible attendance in its schools.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 10, 2008

Date of Mailing: September 11, 2008

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.