

#63-12 (OAL Decision: Not yet available online)

K.B., on behalf of minor children, T.B., T.B., and I.B.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY,	:	DECISION
	:	
RESPONDENT.	:	

SYNOPSIS

Petitioner appealed the determination of the respondent Board that her children, T.B., T.B., and I.B., are not eligible for a free public education in the Highlands school district. Petitioner contended, *inter alia*, that she is a resident of Rumson, but intended to live temporarily in Highlands – in a property owned by her and her husband – while her Rumson residence was being renovated. She further contended that she was at all times honest with the Highlands School District, and was never alerted to the fact that she might end up owing tuition; since respondent failed to so notify petitioner, she argues that the Board should be stopped from seeking tuition reimbursement for the 2009-2010 school year. The Board sought tuition reimbursement in the amount of \$20,211, which represents the cost of educating petitioner’s triplets for a full year.

The ALJ found, *inter alia*, that: petitioner’s permanent home is in Rumson, not Highlands, and even if she did intend to live in Highlands for a brief time, her intent was always to return to Rumson; petitioner wrote that she lived in Highlands on her children’s enrollment forms because she wanted her triplets to attend Pre-K in Highlands school district and was aware that she needed to live in Highlands in order for her children to receive a free education there; petitioner was not domiciled in Highlands during the 2009-2010 school year and therefore her children were not entitled to a free public education in Highlands schools pursuant to *N.J.S.A. 18A:38-1*. Accordingly, the ALJ concluded that petitioner owes respondent Board tuition for the entire 2009-2010 school year in the amount of \$20,211, and dismissed the petition.

Upon a full and independent review, the Commissioner concurred with the findings and conclusion of the ALJ. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this case, and the petitioner was ordered to pay tuition in the amount of \$20,211 for the period of her children’s ineligible attendance.

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.
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February 21, 2012

OAL DKT. NO. EDU 4109-10
AGENCY DKT. NO. 66-4/10

K.B., on behalf of minor children, T.B., T.B., and I.B.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
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BOARD OF EDUCATION OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY,	:	DECISION
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RESPONDENT.	:	

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon full review and consideration, the Commissioner concurs with the findings and conclusion of the Administrative Law Judge that petitioner – as an admitted domiciliary of Rumson during the 2009-10 school year – was not entitled to receive a free public education for her children, T.B., T.B. and I.B. from the Board of Education of the Borough of Highlands during the period September 2009 through June 2010.

Accordingly, the recommended 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 \$20,211 (\$6,737 per child) for this period of the children’s ineligible attendance in its schools.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 21, 2012

Date of Mailing: February 22, 2012

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).