

G.L., on behalf of minors, Y-C.L. AND	:	
Y-Y.L.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
TOWNSHIP OF HOLMDEL,	:	
MONMOUTH COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

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Synopsis

Petitioner, a domiciliary of the Board’s district, challenges Board’s residency determination. ALJ found that petitioner established that the parents of the minor children, from January 1996 until January 1997, were in the course of emigrating to the United States from Taiwan, a process that had been time-consuming, difficult and which constituted “family or economic hardship.” During that period, the children were kept in the Holmdel home of petitioner who, along with his wife, supported the children gratis, assumed all personal obligations for them relative to school requirements, and kept and supported them gratuitously for a longer period than merely the school term. ALJ found that the children were not residing in the district for the sole purpose of receiving a free public education from the Board. Therefore, during the time period in issue, ALJ concluded that the children were entitled, pursuant to *N.J.S.A. 18A:38-1b(1)*, to attend the Board’s school’s without payment of tuition.

The Commissioner adopted the initial decision as his own.

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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 careful and independent review of the record in this matter,\* and relying upon the credibility determinations rendered by the ALJ, the Commissioner affirms the ALJ's findings and conclusions, and concurs that petitioner has demonstrated that the minor children were entitled to attend school in the Board's district, free of charge, during the time period in issue, January 1996 to January 1997, pursuant to *N.J.S.A. 18A:38-1b(1)*.

Accordingly, the initial decision of the OAL is adopted for the reasons expressed therein. The Commissioner determines that petitioner owes no tuition to the Board for the period in question.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

JULY 10, 1997

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\* It is herein noted that the record before the Commissioner did not include a transcript of the hearing before the OAL.