

BOARD OF EDUCATION OF THE :
BOROUGH OF ROSELLE PARK, :
UNION COUNTY, :

PETITIONER, :

V. :

A.H.S., J.E.D. AND I.H.S., :

RESPONDENTS. :

----- :

COMMISSIONER OF EDUCATION

J.E.D., parent and guardian of I.H.S., :

DECISION

PETITIONER, :

V. :

BOARD OF EDUCATION OF THE :
BOROUGH OF ROSELLE PARK, :
UNION COUNTY AND WILLIAM :
CLARK, SR., SUPERINTENDENT OF :
SCHOOLS, :

RESPONDENTS. :

_____ :

SYNOPSIS

In consolidated matters, Board challenged domicile of minor pupil, I.H.S. and sought tuition payment, while parent challenged District's determination that I.H.S. was not domiciled in the District.

ALJ determined that even though I.H.S. resided at his father's home on a temporary basis, I.H.S. intended to remain permanently with his natural mother and legal guardian, J.E.D. Thus, the residence of his mother, which was in the District, was his domicile. Petition and cross-petition were dismissed.

Commissioner adopted findings and determination in initial decision as his own.

SEPTEMBER 12, 1997

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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, the Commissioner concurs that I.H.S. is domiciled with his mother, J.E.D., his custodial parent, within the District, so as to permit him to attend school in the District, free of charge, pursuant to *N.J.S.A. 18A:38-1a*.

Accordingly, the initial decision of the OAL dismissing the Petition of Appeal and the Cross-Petition of Appeal is adopted as the final decision in this matter. The Board is hereby ordered to continue to admit I.H.S. into its public school system, free of charge, so long as there is no change in J.E.D.'s circumstances that would alter her son's entitlement.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

SEPTEMBER 12, 1997