

N.B., on behalf of minor child, D.B., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF UNION, UNION COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner – a resident of Union Township – contested respondent’s determination that her son, D.B., was not entitled to a free public education in Union Township schools. Respondent Board counterclaimed for tuition for the period of alleged ineligible attendance during the 2003-2004 and 2004-2005 school years.

The ALJ found that petitioner presented credible evidence and testimony to support her domicile and residence in Union Township, and concluded that petitioner has satisfied the residency requirements pursuant to *N.J.A.C.* 18A:38-1. Accordingly, the ALJ granted petitioner’s appeal, and dismissed the respondent’s claim for payment of tuition.

Upon an independent review of the record, the Commissioner adopted the Initial Decision as the final decision in this matter, noting that the credibility determinations of the ALJ were accorded due deference in reaching this decision. The Commissioner ordered the respondent Board to continue to admit D.B. free of charge, so long as there is no change in circumstances that would alter his entitlement.

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.

December 3, 2007

OAL DKT. NO. EDU 11589-06
AGENCY DKT. NO. 429-11/06

N.B., on behalf of minor child, S.P., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF UNION, UNION COUNTY, :
RESPONDENT. :
_____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed.

Upon review, the Commissioner concurs with the Administrative Law Judge that, in light of the parties' mutual withdrawal of their respective claims, this matter is appropriately dismissed.

Accordingly, the Initial Decision of the OAL is adopted for the reasons expressed therein, and the matter is dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: December 3, 2007

Date of Mailing: December 3, 2007

