

M.O.M., on behalf of minor child, V.M.M, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF FORT LEE,
BERGEN COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning aunt challenged the Board's residency determination that her nephew, V.M.M., was not entitled to a free education in respondent's school district.

In light of the testimony of the witnesses and the record, the ALJ found that V.M.M.'s father's support was *de minimus*; that petitioner proved by a preponderance of credible evidence that she supported V.M.M. *gratis*; and that a family hardship did exist to allow V.M.M. to move in with his aunt. The ALJ concluded that V.M.M. was entitled to a free public education in respondent's district.

The Commissioner adopted the Initial Decision as his own, concurring with the ALJ that V.M.M. was entitled to a free education unless and until his circumstances change.

<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>

April 28, 2004

OAL DKT. NO. EDU 05412-03
AGENCY DKT. NO. 141-5/03

M.O.M., on behalf of minor child, V.M.M, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF FORT LEE,
BERGEN COUNTY, :
RESPONDENT. :
_____ :

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 review, the Commissioner concurs with the Administrative Law Judge that V.M.M. satisfies the criteria of *N.J.S.A.* 18A:38-1(b) and is, thus, entitled to a free education in respondent's school district unless and until his circumstances change so as to alter such entitlement.

Accordingly, the Initial Decision of the OAL is adopted, for the reasons expressed therein, as the Commissioner's final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 28, 2004

Date of Mailing: April 29, 2004

*
¹ This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*