

IBTIHAJ MARSHALL :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF SOUTH ORANGE- :  
MAPLEWOOD, ESSEX COUNTY, :  
RESPONDENT. :

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#### SYNOPSIS

Petitioner appealed the determination by the Board that she does not satisfy the residency requirements of the district to be enrolled in its schools. Petitioner – who turned 18 in August of 2008 – lived with her mother, Y.M., and siblings in Maplewood until November 2008, when Y.M. relocated to Montclair, at which time petitioner moved in with her aunt, who resided in the upstairs apartment of the house vacated by Y.M. Respondent contends that petitioner is not a resident of Maplewood, but determined that she would be allowed to complete the 2008-2009 school year; however, the Board filed a counterclaim for tuition for the period of petitioner’s alleged ineligible attendance.

The ALJ found that: the petitioner has been domiciled in the Board’s district since August 2008 – when she turned 18 – and respondent Board’s evidence to the contrary was neither germane nor persuasive. Accordingly, the ALJ concluded that the petition should be granted and the respondent’s counterclaim dismissed.

The Commissioner adopted the Initial Decision as the final decision in this matter.

<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>
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July 15, 2009

OAL DKT. NO. EDU 3822-09  
AGENCY DKT. NO. 53-3/09

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties. For the reasons set forth therein, the Commissioner adopts the Initial Decision as the final decision in this case.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: July 15, 2009

Date of Mailing: July 15, 2009

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\* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.