

EDU #3805-04
C # 466-04
SB # 52-04

A.M., on behalf of minor children, A.M.C. :
AND J.M.C., :
 :
PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION
V. :
 : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF UNION, UNION COUNTY, :
RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, November 17, 2004

Decision on motion by the Commissioner of Education,
December 23, 2004

For the Petitioner-Appellant, Ashton E. Thomas, Esq.

For the Respondent-Respondent, Apruzzese, McDermott, Mastro &
Murphy (John P. Harrington, Esq., of Counsel)

On November 17, 2004, the Commissioner of Education determined that the petitioner and her children were not domiciled in Union Township and, as a result, that her children were not entitled to a free public education in the Union Township School District. He directed the petitioner to reimburse the Union Township Board for tuition in the amount of \$40,254.60 for her children's ineligible attendance during the 2003-04 school year.

The petitioner filed the instant appeal to the State Board of Education.

The parties have submitted a proposed settlement agreement to the State Board in which the Union Township Board agrees to accept \$1,000 from the petitioner in full satisfaction of all claims between the parties.¹

We have reviewed the proposed settlement as it pertains to the instant appeal and find it to be in accord with the principles expressed in In re Cardonick, decided by the State Board of Education, April 6, 1983. We therefore approve the proposed settlement to the extent that it represents a settlement of the appeal currently pending before us.

Arcelio Aponte and Frederick J. LaGarde, Jr. abstained.

August 3, 2005

Date of mailing _____

¹ We note that the petitioner filed a second petition of appeal with the Commissioner in December 2004, in which she sought to reenroll her children in the Union Township School District for the 2004-05 school year. On June 7, 2005, the Commissioner approved the proposed settlement as it pertained to that petition. In so doing, the Commissioner noted that his approval “did not operate to settle or withdraw the matter currently before the State Board of Education...” A. McA., on behalf of minor children, A. McA. and J. McA. v. Board of Education of the Township of Union, decided by the Commissioner of Education, June 7, 2005, slip op. at 1.