

C.B., on behalf of minor child, R.B., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF HAMILTON : DECISION
TOWNSHIP, MERCER COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent challenged the Board's determination that his daughter, R.B., was not eligible for a free public education in respondent's District. The Board alleged R.B. lived with her mother in Trenton and, thus, sought tuition for the time of ineligible residency.

Petitioner failed to appear at the hearing to prove that R.B. met the requirements of a free education. In light of the testimony of the Board's investigator, the ALJ dismissed the petition and concluded petitioner should be assessed tuition.

The Commissioner adopted the findings and determination in the Initial Decision as his own and directed petitioner to remit to the Board tuition in the amount of \$7,718.40.

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.

November 6, 2002

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions.

Upon careful and independent review, the Commissioner finds that, because petitioner neither appeared for the hearing nor provided any explanation for his nonappearance as directed by the Administrative Law Judge,¹ he has failed to sustain his burden of proving that his daughter, R.B., is domiciled in Hamilton Township so as to permit her to attend the District's schools free of charge.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons expressed therein. The Petition of Appeal is dismissed and petitioner is directed to reimburse the Board a total of \$7,718.40, representing tuition for the 180 days of R.B.'s ineligible attendance in the District's schools during the 2001-2002 school year.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: November 6, 2002

Date of Mailing: November 8, 2002

¹ As noted in the Initial Decision, petitioner also failed to answer the Board's interrogatories, did not respond to the Board's motion to dismiss and did not return telephone messages left by the Administrative Law Judge. (Initial Decision at 2)

² This decision, as the Commissioner's final determination, 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:2-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.