

L.C., on behalf of minor child, O.C., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF NORTH PLAINFIELD,
SOMERSET COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her son, O.C., a student in respondent's school district. The respondent Board contends that O.C. is not eligible for a free public education in the district based on surveillance and information showing that petitioner is not a resident of North Plainfield. The petitioner failed to appear for a scheduled hearing on July 16, 2008, and the OAL returned the file to the Commissioner's Office of Controversies and Disputes. Subsequently, the petitioner provided explanation for her failure to appear, and the matter was remanded to OAL, where the matter was heard in April 2009.

The ALJ found that: it is not disputed that the petitioner moved from an address on Jefferson Avenue in North Plainfield in June 2007; petitioner did not meet her burden to prove that she continued to reside in North Plainfield after the move; and the results of the school district's surveillance were credible. The ALJ concluded that petitioner failed to prove that O.C. was entitled to a free public education in North Plainfield schools; petitioner is therefore liable to the District for tuition totaling \$22,810.84 for the period of O.C.'s ineligible attendance.

Upon independent review and consideration of the record, the Commissioner adopted the Initial Decision as the final decision in this matter. Petitioner is ordered to pay respondent tuition in the amount of \$22,810.84.

<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>

June 8, 2009

OAL DKT. NO. EDU 10241-08
(EDU 4192-08 ON REMAND)
AGENCY DKT. NO. 95-4/08

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PETITIONER, :
V. : COMMISSIONER OF EDUCATION
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. For the reasons set forth therein, the Commissioner adopts the Initial Decision as the final decision in this case.

Petitioner's exceptions have also been thoroughly reviewed and considered. Pursuant to *N.J.A.C.* 1:1-18.4(b), petitioner set forth the specific findings of fact by the Administrative Law Judge (ALJ) with which she disagrees and the factual findings that she would have the Commissioner reach. However, petitioner's proposed factual findings are unsupported by the evidence in the record. Nor may petitioner now present evidence that was not before the ALJ. *N.J.A.C.* 1:1-18.4 (c). The petition is accordingly dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 8, 2009

Date of Mailing: June 8, 2009

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