

A.L.T., on behalf of minor child, K.I.R., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF JAMESBURG,
MIDDLESEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her daughter on January 4, 2013. A hearing at the Office of Administrative Law (OAL) was held on April 15, 2013, but petitioner failed to appear despite having received appropriate notice and provided no explanation for her nonappearance. The respondent Board subsequently submitted an affidavit which certified a tuition rate of \$61.50 per day. The Administrative Law Judge (ALJ) thereafter dismissed the petition for failure to prosecute and awarded tuition costs to the Board. The Commissioner remanded the matter to the OAL on August 2, 2013 for a determination as to the exact amount due and owing to the Board.

On remand, the ALJ found that: petitioner failed to provide the requisite re-registration documents when requested by the respondent Board; the Board met the notice requirements for removing a student and properly determined that K.I.R. should be removed under New Jersey regulations; petitioner failed to prosecute the appeal; and K.I.R. is not entitled to a free public education in the respondent's school district. Accordingly, the ALJ dismissed the petition with prejudice, and granted the Board's claim for tuition in the amount of \$11,439.00

The Commissioner found that the Initial Decision adequately and completely address the tuition costs owed by A.L.T. to the Board for the period of K.I.R.'s ineligible attendance. Accordingly, the Initial Decision was adopted as the final decision in this matter, and the petitioner was ordered to pay the Board \$11,439 for the cost of tuition for the 2011-2012 school year.

<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>

OAL DKT. NO. EDU 11247-13
(EDU 969-13 ON REMAND)
AGENCY DKT. NO. 2-1/13

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The record of this matter and the Initial Decision on Remand of the Office of Administrative Law have (OAL) been reviewed. The parties did not file exceptions to the Initial Decision.

This matter was initiated by the petitioner, A.L.T., as a *pro se* residency appeal, and the Board of Education filed a counterclaim for tuition. The Administrative Law Judge (ALJ) originally dismissed A.L.T.'s petition of appeal for failure to prosecute and awarded tuition costs to the Board. On August 2, 2013, the Commissioner remanded this matter to the OAL for a determination as to the exact amount of tuition costs for which A.T.L. is liable in connection with K.I.R.'s ineligible attendance in the district.

Upon review of the record on remand, the Commissioner finds that the Initial Decision adequately and completely addresses the tuition costs that A.L.T. is required to reimburse the Board for K.I.R.'s ineligible attendance in the district. Therefore, the

Initial Decision is adopted as the final decision for the reasons set forth therein. Accordingly, the petitioner shall pay the Board \$11,439 in tuition costs for the 2011-2012 school year.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 23, 2013
Date of Mailing: December 23, 2013

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*).