

#386-16 (OAL Decision: Not available online)

|                                   |   |                           |
|-----------------------------------|---|---------------------------|
| M.M., ON BEHALF OF MINOR CHILDREN | : |                           |
| F.S., T.S., AND K.S.,             | : |                           |
|                                   | : |                           |
| PETITIONER,                       | : | COMMISSIONER OF EDUCATION |
|                                   | : |                           |
| V.                                | : | DECISION                  |
|                                   | : |                           |
| BOARD OF EDUCATION OF THE         | : |                           |
| SOUTH ORANGE-MAPLEWOOD            | : |                           |
| SCHOOL DISTRICT, ESSEX COUNTY,    | : |                           |
|                                   | : |                           |
| RESPONDENT                        | : |                           |
| _____                             | : |                           |

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her children in January 2016, seeking a determination that F.S., T.S., and K.S. were entitled to a free public education in South Orange-Maplewood Schools. The matter was transmitted to the Office of Administrative Law as a contested case, and hearings were scheduled and conducted. Prior to the last hearing date, a telephone conference was conducted wherein the petitioner advised that she had moved out of the district and wished to withdraw her appeal. The respondent Board’s counsel submitted a letter stating that the Board would withdraw its counterclaim seeking tuition. Petitioner, to date, has not submitted a letter withdrawing her request for a hearing, despite being directed by the ALJ to do so.

The ALJ concluded that this matter is no longer a contested case before the Office of Administrative Law. Accordingly, the ALJ issued an Initial Decision in which she ordered the matter dismissed.

Upon review of the record in this matter, the Commissioner concurred with the ALJ conclusion and adopted the Initial Decision as the final decision in this matter for the reasons expressed therein. Accordingly, the petition was dismissed.

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.

October 31, 2016

OAL DKT. NO. EDU 02453-16  
AGENCY DKT. NO. 1-1/16

M.M., ON BEHALF OF MINOR CHILDREN :  
F.S., T.S., AND K.S., :  
 :  
 PETITIONER, :  
 : COMMISSIONER OF EDUCATION  
V. :  
 : DECISION  
BOARD OF EDUCATION OF THE :  
SOUTH ORANGE-MAPLEWOOD :  
SCHOOL DISTRICT, ESSEX COUNTY, :  
 :  
 RESPONDENT :  
\_\_\_\_\_ :

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

Upon such review, the Commissioner adopts the Initial Decision as the final decision in this matter for the reasons set forth therein. The petition of appeal is hereby dismissed.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 31, 2016

Date of Mailing: November 4, 2016

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\* 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*).