254-02

E.M.M.A., on behalf of minor children, M.A. and H.A.,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF UNION, UNION COUNTY,	:	DECISION ON REMAND
	:	
RESPONDENT.	:	

SYNOPSIS

Petitioning parent challenged the Board's residency determination. Petitioner failed to attend the administrative hearing. In light of the fact that petitioner abandoned his case, the ALJ dismissed the petition and ordered payment of tuition.

The Commissioner affirmed the ALJ's decision with regard to the residency determination. However, after petitioner contested the calculation of the amount of tuition owed, the Commissioner remanded the case to OAL for proceedings solely to determine the amount of tuition owed by petitioner to the Board.

On remand, the ALJ agreed with the Board that petitioner was required to pay tuition for the children until they "officially" left the school system. Even though petitioner physically removed his children on or about May 9, 2001, he did not officially notify the school district and, thus, the children were carried on the rolls through May 29, 2001. Therefore, petitioner's children were in attendance for 18 days and a total amount of tuition of $1,278 was owed by petitioner.

The Commissioner adopted the findings and determination in the Initial Decision and directed the payment of tuition in the amount of $1,278.

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.

June 27, 2002

OAL DKT. NOS. EDU 5172-01 AND EDU 8322-01 (ON REMAND)
AGENCY DKT. NO. 104-4/01

E.M.M.A., on behalf of minor children, M.A. and H.A., PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF UNION, UNION COUNTY, RESPONDENT.	:	DECISION ON REMAND

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

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge's determination that petitioner owes the Board tuition of $702 for minor child, M.A., and $576 for minor child, H.A., for attendance in the District's schools. However, in so ruling, the Commissioner stresses that his determination is based on the particular facts of this matter, and that he makes no general holding on the manner by which withdrawal from school may be effectuated.

Accordingly, the Initial Decision of the OAL is affirmed. Petitioner is hereby directed to pay the Board a total tuition reimbursement of $1,278.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 27, 2002

Date of Mailing: June 27, 2002

* 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.