

486-04

OAL DKT. NO. EDU 11799-03 (http://lawlibrary.rutgers.edu/oal/html/initial/edu11799-03_1.html)
AGENCY DKT. NO. 389-10/03

A.M., on behalf of minor children, Z.M. AND :
J.M., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY :
OF BAYONNE, HUDSON COUNTY, : DECISION
RESPONDENT. :

The record in this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that petitioner, who did not appear for the hearing in this matter, has failed to carry his burden of proof that his two children were entitled to a free education in the Bayonne School District for the 2002-03 and 2003-04 school years. The Commissioner further agrees with the grant of the Board's counterclaim for tuition in the amount of \$7,554.40 for the 2002-03 school year and \$20,300.40 for the 2003-04 school year, for a total of \$27,854.80 tuition for the days of Z.M.'s and J.M.'s ineligible attendance in school in the Bayonne School District.

Accordingly, the Initial Decision is adopted for the reasons expressed therein.

IT IS SO ORDERED. *

COMMISSIONER OF EDUCATION

Date of Decision: December 1, 2004

Date of Mailing: December 2, 2004

* This decision 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:4 1.1 et seq.*