

J.H., on behalf of minor child, J.H. :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF BELLEVILLE, ESSEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner, parent of high school student J.H., challenged the Board's residency determination that J.H. was not a legal resident in the District. The Board filed a counterclaim for tuition for the period of ineligible attendance.

The ALJ dismissed the petition for failure of petitioner to appear at hearing or answer correspondence. The ALJ upheld the Board's counterclaim for \$13,438.34 in tuition.

The Commissioner concurred with the ALJ's decision and granted the Board's counterclaim for \$13,438.34 for the period of J.H.'s ineligible attendance at its school during the 2001-2002 and 2002-2003 school years.

February 26, 2004

J.H., on behalf of minor child, J.H. :
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The record of 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 (ALJ) that petitioner, who did not appear for the hearing in this matter, has failed to carry his burden of proof that his son was entitled to a free education in the District. The Commissioner further agrees with the grant of the Board's counterclaim for tuition in the amount of \$13,438.34 for the period of J.H.'s ineligible attendance at its school during the 2001-2002 and 2002-2003 school years.

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

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: February 26, 2004

Date of Mailing: February 27, 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.*