

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

SYNOPSIS

Petitioner appealed the Board's residency determination that her son, D.E., was not eligible for a free education in the Township of Belleville School District during the 2003-2004 and 2004-2005 school years, contending that she is homeless and that her son is entitled to attend school in respondent's district because Belleville is the town in which petitioner last resided. A hearing was held on June 21, 2005.

Based upon the fact that the petitioner did not appear at hearing and offered no acceptable explanation for her absence as required pursuant to N.J.A.C. 1:1-14.4(a), the ALJ determined that L.H. had abandoned her appeal. Based on the record in this matter, and the testimony and certification of the respondent Board, the ALJ found that petitioner failed to carry her burden of proof that D.E. was entitled to a free public education in the Township of Belleville during the relevant time periods, and concluded that L.H. owes the District total tuition of \$11,229.60. The ALJ ordered petitioner to pay respondent tuition in this amount, and further ordered that, without proof of current domicile/residency, D.E. may be excluded from further attending the Belleville public schools, at the District's discretion, unless tuition is paid for his continued attendance.

The Commissioner concurs with the findings and conclusions of the ALJ in this matter. Accordingly, the Initial Decision of the OAL is adopted for the reasons expressed therein, and the Petition of Appeal is dismissed.

<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 1350-05
AGENCY DKT. NO. 391-10/04

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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 a 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 her burden of proof that D.E. was entitled to a free public education in the Belleville School District (District) during the relevant time periods. The Commissioner further agrees with the grant of the Board's counterclaim for tuition in the amount of \$11,229.60 for the period of D.E.'s ineligible attendance in the District's schools during the 2003-2004 and 2004-2005 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: July 26, 2005

Date of Mailing: July 26, 2005

* 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.*