

J.D. and T.W., on behalf of minor child, U.W., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY : DECISION
OF ORANGE, ESSEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioners filed a *pro se* residency appeal, challenging the respondent Board's determination that their child, U.W., was not eligible to attend Orange Public Schools based upon residency. Respondent district filed an answer in which it requested that the Commissioner assess tuition cost against petitioners for the period that the student received services while ineligible. Subsequently, petitioners withdrew their appeal, stating that the child had moved out of the district, and the matter was transmitted by the Office of Administrative Law (OAL) to the Commissioner for consideration of the withdrawal of the petition. The Commissioner remanded the matter to the OAL for supplementation of the record and an appropriate recommended order regarding the payment of tuition.

The ALJ found that: the petitioners failed to attend the scheduled hearing and offered no explanation for their failure to appear; U.W. continued to attend Orange Public Schools for 31 school days after the parents moved to East Orange; and, therefore, tuition in the amount of \$1,345.57 for the 31 days of ineligible attendance is owed to the respondent district.

The Commissioner concurs with the ALJ that the Board is appropriately awarded tuition from the petitioners; adopts the Initial Decision for the reasons stated therein; and directs the petitioners to remit \$1,3445.57 to the respondent Board.

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.

August 22, 2006

OAL DKT. NO. EDU 1036-06
(EDU 11308-04 ON REMAND)
AGENCY DKT. NO. 283-8/04

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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 a full review, the Commissioner concurs with the Administrative Law Judge that the Board is appropriately awarded tuition from the petitioners, in the amount of \$1,345.57, for 31 days of their child, U.W.'s, ineligible attendance in its schools.

Accordingly, the Initial Decision of the OAL is adopted for the reasons stated therein and the instant Petition of Appeal is hereby dismissed. Petitioners are directed to remit to the Board of Education of the City of Orange the tuition due and owing pursuant to this decision.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 22, 2006

Date of Mailing: August 22, 2006

* 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.*