

MICHAEL KELLY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF DENNIS, CAPE MAY COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner is a parent whose access to his children’s school was restricted by the Board following petitioner’s allegedly intimidating and threatening behavior in the aftermath of his wife’s extramarital affair with a Board employee. Petitioner argues that his restricted access to the school resulted in a difficult environment for his children, which necessitated their enrollment out-of-district. Petitioner seeks reimbursement for tuition paid to place his children in Sea Isle City schools.

The ALJ found that: the validity of respondent’s action to restrict petitioner’s access to his children’s school is not before him; petitioner’s claim for reimbursement of tuition is the sole issue herein; petitioner’s decision to enroll his children in an out-of-district school while the instant action was pending was premature, as nothing in the law – absent an Order from the Commissioner of Education – requires respondent to pay the cost of tuition for petitioner’s children when a free public education was available to them in Dennis Township. The ALJ affirmed respondent’s action denying petitioner reimbursement for tuition.

Upon careful and independent review of the record, the Commissioner concurs with the findings and conclusions set forth by the ALJ. The Initial Decision of the OAL is adopted as the final decision in this matter, and the petition is dismissed.

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.

January 3, 2007

OAL DKT. NO. EDU 652-06
AGENCY DKT. NO. 53-2/06

MICHAEL KELLY, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
 OF DENNIS, CAPE MAY COUNTY, :
 :
 RESPONDENT. :
 _____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed.¹ The parties filed no exceptions to the Initial Decision.

Upon a full and independent review, the Commissioner agrees with the Administrative Law Judge – for the reasons clearly stated in his decision – that the Board’s determination to refuse to reimburse petitioner for his children’s tuition at the Sea Isle Board of Education schools is appropriately affirmed.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: January 3, 2007

Date of Mailing: January 3, 2007

¹ On December 29, 2006, the Commissioner received an Amended Initial Decision from the OAL, corrected solely to remove reference by name to petitioner’s minor children and a specific school district employee.

² 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.*