

AGENCY DKT. NO. 78-3/08

BOARD OF EDUCATION OF THE :
TOWNSHIP OF HAMILTON, :
MERCER COUNTY, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

D.K. on behalf of minor children K.T. : DECISION
and K.A.T., :

RESPONDENT. :

_____ :

For Petitioner, Destribats, Campbell, DeSantis, Magee & Staub

K. T., *Pro Se*

This matter was opened before the Commissioner of Education on March 17, 2008, by way of a verified petition against respondent, the parent of two students who formerly attended school in petitioner’s district. Petitioner alleged that both students had been ineligible to attend school in its district for the entire 2006-2007 school year and for part of the 2007-2008 school year. More specifically, K.T. was alleged to have attended petitioner’s schools without eligibility during the 2006-2007 school year and from September 5, 2007 to January 10, 2008. K.A.T. was alleged to have attended without eligibility during the 2006-2007 school year and from September 5, 2007 to February 27, 2008. Petitioner demanded tuition reimbursement for those periods of time.

By notice dated March 18, 2008, the Bureau of Controversies and Disputes (the Bureau) directed respondent, via regular mail, to file an answer to the petition. On April 24, 2008, the Bureau directed respondent for a second time, via both certified and regular mail, to file an answer to the petition. The notice sent by certified mail was returned with signature, and the notice sent by regular mail was not returned.

The first communication from the Bureau clearly provided respondent with notice that, pursuant to *N.J.A.C. 6A:3-1.5*, an individual against whom a petition is filed shall have 20 days from receipt of the petition to file an answer. The second notice advised that if respondent did not file an answer within ten days of her receipt of same, each count of the petition would be deemed to have been admitted and the Commissioner might decide the matter on a summary basis. The Bureau has received neither an answer to the petition from the respondent nor from any attorney purporting to represent respondent.

Petitioner's Director of Secondary Education has certified that \$29,303.08 is the amount of tuition due for the amount of time that respondent's children improperly attended school in petitioner's district.

The Commissioner concludes that the allegations – which respondent has chosen not to deny – may be deemed admitted, pursuant to *N.J.A.C. 6A:3-1.5(e)*, and are sufficient to justify an order that respondent pay the tuition.

IT IS THEREFORE ORDERED that summary decision shall be granted to the petitioner, and that respondent shall pay tuition in the amount of \$29,303.08 for the period of time in which her children were ineligible for a free education in the Hamilton School District.¹

COMMISSIONER OF EDUCATION

Date of Decision: June 25, 2008

Date of Mailing: June 26, 2008

¹ 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:2-1.1 et seq.*