

#3-10

OAL DKT. NO. EDU 10057-09  
AGENCY DKT. NO. 214-8/09

D.B. AND K.B., ON BEHALF OF MINOR :  
CHILD, K.B., :  
 :  
 PETITIONERS, : COMMISSIONER OF EDUCATION  
V. :  
 : DECISION  
BOARD OF EDUCATION OF THE :  
LENAPE REGIONAL HIGH SCHOOL :  
DISTRICT, BURLINGTON COUNTY, :  
 :  
 RESPONDENT. :  
\_\_\_\_\_ :

The record of this matter – transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C. 1:1-14.4* and including an advisement of petitioners’ failure to appear at the scheduled OAL hearing – has been reviewed. Petitioners filed no explanation for their failure to appear, notwithstanding the opportunity to do so.

Additionally, the record forwarded by the OAL indicates – via a November 11, 2009 letter from counsel for the Board of Education – that K.B. was withdrawn from school to return to Florida, thereby mooting petitioners’ appeal of the Board’s determination that she was ineligible to attend school in the district.<sup>1</sup>

Accordingly, this matter is no longer deemed to be a contested case before the Commissioner and is hereby dismissed with prejudice.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: January 4, 2010

Date of Mailing: January 4, 2010

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<sup>1</sup> The record also indicated that K.B. appeared to have been enrolled in the district for about two-and-a-half months before petitioner D.B. disenrolled her on November 10, 2009, and that she attended school only sporadically after September 18, 2009. By operation of a December 10, 2009 letter from the Bureau of Controversies and Disputes, confirmed by letter from Board Counsel dated December 28, 2009, the Board’s counterclaim for tuition was deemed withdrawn.

<sup>2</sup> Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Appellate Division of the Superior Court.