

#284-13 (OAL Decision: Not yet available online)

A.L.T., on behalf of minor child, K.I.R., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF JAMESBURG,
MIDDLESEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her daughter on January 4, 2013. A hearing at the Office of Administrative Law (OAL) was held on April 15, 2013, but petitioner failed to appear despite having received appropriate notice and provided no explanation for her nonappearance. The respondent Board subsequently submitted an affidavit which certified a tuition rate of \$61.50 per day.

The ALJ found that: petitioner failed to appear and prosecute her appeal of the Board's residency determination; accordingly, the Board properly determined that K.I.R. should be removed from the district under New Jersey regulations; and the Board presented an affidavit demonstrating that it is entitled to tuition reimbursement from September 6, 2012 at the rate of \$61.50 per day. The ALJ dismissed the petition with prejudice, and granted the Board's counterclaim for tuition.

The Commissioner found that the Initial Decision does not adequately and completely address the tuition costs owed by A.L.T. to the Board for the period of K.I.R.'s ineligible attendance. Accordingly, the matter was remanded to the OAL for a determination as to the exact amount of tuition due and owing.

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 2, 2013

OAL DKT. NO. EDU 969-13
AGENCY DKT. NO. 2-1/13

A.L.T., on behalf of minor child, K.I.R., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF JAMESBURG,
MIDDLESEX COUNTY, :
RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. This matter was initiated by the petitioner, A.L.T., as a *pro se* residency appeal, and the Board of Education filed a counterclaim for tuition. The Administrative Law Judge (ALJ) dismissed A.L.T.’s petition of appeal for failure to prosecute and awarded tuition costs to the Board. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner finds that the Initial Decision does not adequately and completely address the tuition costs that A.L.T. is required to reimburse the Board for K.I.R.’s ineligible attendance in the district. The ALJ ordered that “the District is entitled to reimbursement for those days that K.I.R. has attended the District’s school from September 6, 2012, until the Commissioner issues a Final Decision at a rate of \$61.50 per day.” (Initial Decision, page 5) There is no indication in the Initial Decision, however, as to how many days K.I.R. attended school in the district during the 2012-2013 school year. Moreover, the Initial Decision did not provide a total amount of tuition owed to the Board for K.I.R.’s attendance in the district.

Accordingly, this matter is remanded to the OAL for a determination as to the exact amount of tuition costs for which A.L.T. is liable in connection with K.I.R.'s ineligible attendance in the district.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 2, 2013
Date of Mailing: August 2, 2013

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*).