

R.P., on behalf of minor child, A.P., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF HAINESPORT,
BURLINGTON COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal challenging the respondent Board's determination that his son, A.P., was not entitled to a free public education in the Township of Hainesport schools. Petitioner asserted that A.P. has attended school in respondent's district for ten years, and that custody of his son has recently been shared between R.P. and A.P.'s mother, who are separated. R.P. owns a house in Hainesport, and A.P.'s mother rents a condo in Mount Laurel, and A.P.'s time is divided between the two households. The Board filed a counterclaim for tuition.

The ALJ issued an Initial Decision finding that: the petitioner failed to respond to the Board's discovery requests; failed to appear at a scheduled proceeding; failed to contact the Office of Administrative Law; and failed to provide an explanation for his non-appearance. Further, the ALJ acknowledged that the Board subsequently filed a motion to dismiss petitioner's appeal, followed by a letter offering to withdraw its counterclaim for tuition if the motion to dismiss was granted. Accordingly, the ALJ granted the Board's motion to dismiss and ordered R.P.'s residency appeal dismissed with prejudice.

Upon review of the record and the Initial Decision, the Commissioner concurred with the ALJ's findings and conclusions. Accordingly, the Initial Decision was adopted as the final decision in this matter.

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.

OAL DKT. NO. EDU 5770-14
AGENCY DKT. NO. 97-4/14

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein. Accordingly, the petition of appeal is dismissed, and the Hainesport Board of Education's counter-claim for tuition is also dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 23, 2014
Date of Mailing: October 28, 2014

* 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).