

**New Jersey Commissioner of Education**

**Decision**

Board of Education of the Township of  
Washington, Gloucester County,

Petitioner,

v.

J.M. and R.H.,

Respondents.

In this matter, the Washington Township Board of Education (Board) seeks payment of tuition from respondents because their minor child attended school in Washington Township (District) when he was ineligible to do so. Respondents did not file an answer to the petition within twenty days, as required by *N.J.A.C. 6A:3-1.5(a)*. A second and final notice was sent to respondents, indicating that if an answer was not filed within ten days, the Commissioner would decide the matter on a summary basis, pursuant to *N.J.A.C. 6A:3-1.5(e)*. Respondents did not file an answer.

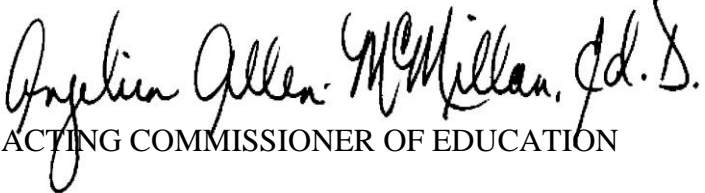
Accordingly, the Commissioner finds that each count in the petition is deemed admitted and that it is appropriate to decide the matter on a summary basis. The District's residency investigation revealed that respondents' minor child did not reside in the District from September 15, 2018 through the end of the 2019-2020 school year. The District issued a notice of ineligibility, which respondents did not appeal. The Commissioner concludes that the minor

child was, therefore, not entitled to a free public education in the District's schools during that time period.

Pursuant to *N.J.S.A.* 18A:38-1b, the Commissioner shall assess tuition against petitioner for the time period during which the minor child was ineligible to attend school in the District. Pursuant to *N.J.A.C.* 6A:22-6.1, when parents do not appeal a notice of ineligibility, a district may assess tuition for up to one year of ineligible attendance. Therefore, the Board is entitled to tuition reimbursement in the amount of \$16,941 for the 2019-2020 school year, during which time respondents' minor child was ineligible to attend school in the District.

Accordingly, respondents are directed to reimburse the Board in the amount of \$16,941 for the 2019-2020 school year, for tuition costs incurred during the time period in which their minor child was ineligible to attend school in Washington Township.

IT IS SO ORDERED.<sup>1</sup>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 22, 2021  
Date of Mailing: June 22, 2021

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.