

#386-04
OAL DKT. NO. EDU 4109-04
(OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu04109-04_1.html)
AGENCY DKT. NO. 63-2/04

S.W., on behalf of minor child, S.W., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF EWING, MERCER COUNTY, :
RESPONDENT. :
_____ :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner, who did not appear for the hearing in this matter, has failed to carry her burden of proof that her daughter was entitled to a free education in the Ewing Township School District. The Commissioner further agrees with the grant of the Board's counterclaim for tuition in the amount of \$8,627.21 for the 180 days of S.W.'s ineligible attendance in school in the Ewing Township School District between September 8, 2003 through the end of the school year in May 2004.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 29, 2004
Date of Mailing: September 29, 2004

* 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:4-1.1 *et seq.*