

N.G., on behalf of minor children, G.G., G.G., :
AND V.G., :
 :
PETITIONER, :
 :
V. : COMMISSIONER OF EDUCATION
 :
BOARD OF EDUCATION OF THE TOWNSHIP :
OF WEST ORANGE, ESSEX COUNTY, : DECISION
 :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *Pro Se* Residency Appeal challenging the Board's residency determination that her children, G.G., G.G. and V.G., were not eligible for a free education in the Township of West Orange School District. Respondent Board filed an answer to the petition, and asserted a counterclaim for payment of tuition by petitioner to the District for the unlawful attendance of the minor children during the 2004-2005 school year. Petitioner subsequently failed to appear at the scheduled OAL hearing, offering no explanation.

The ALJ concluded that the petitioner, by virtue of her failure to appear at hearing, failed to carry her burden of proof, and therefore that the Board is entitled to tuition in the amount of \$14,633, representing the pro-rated tuition fee for the period of ineligible attendance of her three children, September 8, 2004 to January 13, 2005. The ALJ ordered the petition dismissed with prejudice.

The Commissioner adopts the Initial Decision of the OAL in this matter for the reasons expressed therein.

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| <p>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.</p> |
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OAL DKT. NO. EDU 1131-05
AGENCY DKT. NO. 403-11/04

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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 a 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 G.G., G.G. and V.G. are entitled to a free public education in the West Orange Township School District. The Commissioner further agrees with the grant of the Board of Education's counterclaim for tuition in the amount of \$14,633.00 for the 80 days of G.G., G.G. and V.G.'s ineligible attendance in the schools of the West Orange Township School District from September 8, 2004 to January 13, 2005.

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

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 22, 2005

Date of Mailing: August 22, 2005

* This decision, as the Commissioner's final determination, 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.*