

L.G., on behalf of minor children, K.W., B.S. and T.W.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP OF EWING, MERCER COUNTY,	:	DECISION ON REMAND
	:	
RESPONDENT.	:	

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SYNOPSIS

Petitioner filed a *Pro Se* Residency Appeal challenging the Board's residency determination that her children, K.W., B.S. and T.W. were not eligible for a free education in the Ewing Township 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 2003-04 school year. The Board, however, failed to submit timely certification in support of this counterclaim. Petitioner did not file an answer to the counterclaim for tuition and subsequently failed to appear at the scheduled OAL hearing, offering no explanation.

The Commissioner, by decision dated February 2, 2005, dismissed the petition for the failure to appear and remanded the matter to the OAL to address the Board's counterclaim for tuition. Subsequently, the Board filed a certification in support of the counterclaim, addressing tuition claimed with respect to K.W. and B.S. only.

Upon careful and independent review of the record, the Commissioner adopted the Initial Decision of the OAL in this matter, concurring that the petitioner failed to carry her burden of proof, and granting the Board's counterclaim for tuition in the amount of \$13,769.35 for the 127 days of illegal attendance during the 2003-04 school year.

<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 740-05  
(EDU 8380-04 ON REMAND)  
AGENCY DKT. NO. 310-9/04

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The record of this matter and the Initial Decision on Remand of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon a careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that petitioner, who did not appear for the hearing, has failed to carry her burden of proof that her children were entitled to a free public education in the Ewing Township School District for the 2003-04 school year. The Commissioner further agrees with the grant of the Board's counterclaim for tuition in the amount of \$13,769.35 for the 127 days that K.W. and B.S. illegally attended school in the District during the 2003-04 school year.<sup>1</sup>

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

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: May 2, 2005  
Date of Mailing: May 2, 2005

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<sup>1</sup> As noted by the Administrative Law Judge, the Board did not submit a tuition calculation for T.W.'s ineligible attendance in the District.

<sup>2</sup> 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.*