

#329-07 (OAL Decision: Not yet available on-line)

L.D.R., ON BEHALF OF MINOR	:	
CHILDREN, T.M. AND P.M.,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
V.	:	
	:	DECISION
BOARD OF EDUCATION OF THE	:	
SOUTH ORANGE-MAPLEWOOD	:	
SCHOOL DISTRICT, ESSEX COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner filed a *Pro Se* Residency Appeal challenging the Board’s determination that T.M. and P.M. – minor children under the temporary custody of the petitioner – are not eligible for a free public education in respondent’s school district. Petitioner, who resides in East Orange, argued that the children were living with her while their father was incarcerated, but she wanted the children to remain in their respective Maplewood schools for the sake of continuity until their father returns and resumes custody. The Board counterclaimed for tuition. Petitioner failed to appear at the hearing.

The ALJ found that the petitioner had reasonable notice of the hearing in this matter, but failed to appear and did not provide any explanation for her nonappearance. The ALJ concluded that the petitioner has abandoned the matter, ordered dismissal of the petition pursuant to *N.J.A.C. 1:1-14.4*, and granted respondent’s cross petition for tuition reimbursement for the 2006-2007 school year in the amount of \$14,812.56.

Upon careful and independent review of the record, the Commissioner concurs with the findings and conclusions set forth by the ALJ. The Initial Decision of the OAL is adopted as the final decision in this matter, and L.D.R. is directed to reimburse the Board for tuition as set forth therein.

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.

August 16, 2007

OAL DKT. NO. EDU 1324-07  
AGENCY DKT. NO. 440-11/06

L.D.R., ON BEHALF OF MINOR :  
CHILDREN, T.M. AND P.M., :  
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 PETITIONER, : COMMISSIONER OF EDUCATION  
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 RESPONDENT. :  
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs that petitioner – who did not appear at hearing and proffered no explanation for her absence – has failed to demonstrate the children’s entitlement to a free public education in respondent’s school district pursuant to *N.J.S.A.* 18A:38-1.

Accordingly, for the reasons expressed therein, the Initial Decision of the OAL is adopted as the final decision in this matter. Petitioner is directed to remit to respondent tuition in the amount of \$14,812.56 for the period of her children’s ineligible attendance in the district.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 16, 2007  
Date of Mailing: August 17, 2006

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\* 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.*