

#56-07 (No OAL Decision)

BOARD OF EDUCATION OF THE :
BUENA REGIONAL SCHOOL :
DISTRICT, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
J. H., : DECISION
RESPONDENT. :

SYNOPSIS

Petitioning Board filed a complaint seeking reimbursement from respondent, J.H., of the costs of tuition pertinent to the period of ineligible attendance of respondent's daughter during the 2005-2006 school year. Respondent failed to appeal the Board's residency decision, and failed to answer the Board's petition seeking payment of tuition.

The Commissioner directed respondent to submit an answer to the petition pursuant to *N.J.A.C. 6A:3-1.5*, and informed respondent that if no answer was submitted, each count of the petition would be deemed admitted and the matter could then be decided summarily. As no answer was subsequently filed, the Commissioner granted summary decision in favor of the Board, and ordered respondent to pay tuition in the amount of \$4,617.60.

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.

February 8, 2007

BOARD OF EDUCATION OF THE :
BUENA REGIONAL SCHOOL :
DISTRICT, :
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For Petitioner, Capizola, Baker, Lapham & Fralinger

J. H., *Pro Se*

This matter was opened before the Commissioner of Education on December 7, 2006 by way of a verified petition against respondent, the parent of a student who formerly attended school in petitioner's district. Petitioner alleged that the student had been ineligible to attend school in its district from September 6, 2005 to February 15, 2006 and demanded tuition reimbursement for that period of time.

By notice dated December 7, 2006 – which was sent both to the Newfield, New Jersey address that respondent had provided to petitioner, and to the address of the home in Clayton, New Jersey, which respondent reportedly owns – the Bureau of Controversies and Disputes (the Bureau) directed respondent, via regular mail, to file an answer to the petition. On January 5, 2007, the Bureau directed respondent for a second time, via both certified and regular mail to both addresses, to file an answer to the petition. The certified letter sent to the Newfield address was returned to the Commissioner unclaimed, but the notice sent by certified mail to the Clayton address – and both notices sent by regular mail – were not returned.

The first communication from the Bureau clearly provided respondent with notice that, pursuant to *N.J.A.C. 6A:3-1.5*, an individual against whom a petition is filed shall have 20 days from

receipt of the petition to file an answer. The second notice advised that if respondent did not file an answer within ten days of her receipt of same, each count of the petition would be deemed to have been admitted and the Commissioner might decide the matter on a summary basis. The Bureau has received neither an answer to the petition from the respondent nor from any attorney purporting to represent respondent.

Petitioner's business administrator has certified that \$4,617.60 is the amount of tuition due for the amount of time that respondent's child improperly attended school in petitioner's district.

The Commissioner concludes that the allegations – which respondent has chosen not to deny – may be deemed admitted, pursuant to *N.J.A.C.* 6A:3-1.5(e), and are sufficient to justify an order that respondent pay the tuition.

As to petitioner's request for interest, the Commissioner finds that petitioner has not met the standards set forth in *N.J.A.C.* 6A:3-1.17(a)(1), *N.J.A.C.* 6A:3-1.17(c)(1) and *N.J.A.C.* 6A:3-1.17(d).

IT IS THEREFORE ORDERED that summary decision shall be granted to the petitioner, and that respondent shall pay tuition in the amount of \$4,617.60 for the period of time in which her daughter was ineligible for a free education in the Buena Regional School District. Petitioner's request for interest is denied.¹

COMMISSIONER OF EDUCATION

Date of Decision: February 8, 2007

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¹ 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:2-1.1 *et seq.*