

#413-08

O.B. on behalf of minor child, K.C., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF MOUNT OLIVE,
MORRIS COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner, a resident of Mount Olive, filed a *pro se* residency appeal on behalf of K.C., who was enrolled as a high school student in the Mount Olive School District for the 2007-08 school year. The respondent Board contended that K.C. is not eligible for a free public education in the district. The petitioner failed to appear for a scheduled hearing on May 19, 2008, and failed to provide any explanation for her non-appearance. The respondent Board moved for a dismissal of the case, and submitted a cross-petition for tuition reimbursement for the period of K.C.'s ineligible attendance in Mount Olive schools.

The ALJ found that: the petitioner has abandoned this matter; K.C. was enrolled in Mount Olive High School from September 2007 until June 2008, a period totaling 181 school days; the daily tuition rate in the district is \$68.68 per day, as certified by the superintendent of schools; and the correct amount of tuition which may be billed to O.B. for K.C.'s improper attendance is \$12,431.08. The ALJ granted the respondent's counterclaim for tuition reimbursement in the amount of \$12,431.08, and ordered that O.B. make payment in this amount to the Mount Olive Board of Education.

Upon review, the Commissioner agreed with the ALJ's conclusion that petitioner is liable for tuition to the Board as set forth above, and directed the petitioner to pay said tuition to the Mount Olive Board of Education.

<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>

October 15, 2008

OAL DKT. NO. EDU 9283-08
(EDU 11928-07 ON REMAND)
AGENCY DKT. NO. 282-9/07

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 PETITIONER, :
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 V. : COMMISSIONER OF EDUCATION
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 BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
 OF MOUNT OLIVE, MORRIS COUNTY, :
 :
 RESPONDENT. :
 _____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to this decision.

Upon review, the Commissioner agrees with the Administrative Law Judge's conclusion that petitioner is liable for tuition to the Board in the amount of \$12,431.08 for the ineligible attendance of K.C. in the Board's schools during the period September 3, 2007 through June 20, 2008 (181 school days @ \$68.68 per diem).

Accordingly, the Initial Decision of the OAL is adopted for the reasons stated therein. Petitioner is hereby directed to pay tuition – in the amount of \$12,431.08 – to the Mount Olive Board of Education.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: October 15, 2008

Date of Mailing: October 15, 2008

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.