

425-99

C.H., on behalf of minor child, S.H., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF SPOTSWOOD, MIDDLESEX :
COUNTY, :
RESPONDENT. :
_____:

SYNOPSIS

Petitioning parent sought to have her son, S.H., attend school in the East Brunswick schools with tuition paid by respondent Spotswood school district. Petitioner alleged there was abuse and discrimination against her child by Spotswood staff and students. Respondent asserted that S.H. was a resident of Helmetta and that the Helmetta school district was in a sending-receiving relationship with respondent; consequently if petitioner prevailed in her argument to have her son attend school elsewhere, Helmetta would have to pay the tuition. Therefore, Helmetta was an indispensable party in this action.

ALJ dismissed petition. Since petitioner was unsuccessful in finding any school willing to take her son and he was presently attending school in Spotswood, petitioner did not oppose the Motion to Amend and to Dismiss Petitioner's Action Based Upon Failure to Name an Indispensable Party.

December 27, 1999

OAL DKT. NO. EDU 6750-99
AGENCY DKT. NO. 258-8/99

C.H., on behalf of minor child, S.H., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF SPOTSWOOD, MIDDLESEX :
COUNTY, :
RESPONDENT. :
_____ :

The record and Initial Decision on Motion issued by the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review of the record, the Commissioner adopts the Initial Decision as the final decision in this matter.

Accordingly, the Petition of Appeal is hereby dismissed for the reasons stated in the Initial Decision.*

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

December 27, 1999

* This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.