

K.F., on behalf of minor child, J.F. :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY : DECISION
OF LINDEN, UNION COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent challenged the Board's residency determination.

The ALJ held in favor of the Board after conducting a hearing which petitioner failed to attend. The ALJ also determined that the Board is entitled to \$7,688.39 in tuition from petitioner.

The Commissioner affirmed the determination of the ALJ and ordered reimbursement of tuition in the amount determined by the ALJ.

OAL DKT. NO. EDU 3191-01
AGENCY DKT. NO. 68-3/01

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

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner, who did not appear for the hearing in this matter, has failed to carry her burden of showing that her son was entitled to a free education in the District.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein. Pursuant to *N.J.S.A.* 18A:38-1b(2), the Commissioner directs that petitioner remit to the Board tuition in the amount of \$7,688.39, as determined due and owing for J.R.'s ineligible attendance in the District.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: 1/10/02

Date of Mailing: 1/16/02

* This decision, as the Commissioner's final determination, 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.