

#466-04

OAL DKT. NO. EDU 3805-04

OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu03805-04_1.html

AGENCY DKT. NO. 50-2/04

A.M., on behalf of minor children, A.M.C. and J.M.C.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP OF UNION, UNION COUNTY,	:	DECISION
	:	
RESPONDENT.	:	
	:	

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

Upon careful and independent review of the record in this matter, and based on the credibility assessments of the Administrative Law Judge (ALJ), *N.J.S.A.* 52:14B-10(c), the Commissioner finds no cause to disturb the factual findings and legal conclusions of the ALJ.

Accordingly, the Initial Decision is adopted for the reasons expressed therein and the instant Petition of Appeal is dismissed. Petitioner is hereby directed to pay the Board tuition, in the amount of \$40,254.60,¹ for the cost of her children’s ineligible public school education at the Board’s expense for the 2003-04 school year.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: November 17, 2004
Date of Mailing: November 18, 2004

¹ As explicated by the ALJ on Page 17 of her decision, \$31,953.60 of this total represents tuition for J.M.C.’s attendance at ARC of Essex County for 180 days at a per diem rate of \$177.52 and the remaining \$8,301 comprises tuition for A.M.C.’s attendance at Franklin School during the school year at issue.

² 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.*