

#349-05 (No OAL Decision)

OAL DKT. NO. EDU 11308-04  
AGENCY DKT. NO. 283-8/04

J.D. AND T.W., on behalf of minor child, U.W., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE CITY OF : DECISION  
ORANGE, ESSEX COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

This matter was transmitted to the Commissioner by the Office of Administrative Law (OAL) on September 14, 2005 for consideration of petitioners' withdrawal of the petition in this matter.

Upon review, the Commissioner notes that, notwithstanding petitioner T.W.'s telephone call to the OAL indicating that the petition was being withdrawn because the "child has moved out of [the] District," the Board of Education of the City of Orange's (Board) Answer in this residency matter contains an unresolved request by the Board for tuition for the period that the student received services while he was ineligible. In that the record before the Commissioner does not contain an affidavit of a responsible Board official attesting to the amount of tuition claimed by the Board as a consequence of the ineligible attendance of petitioners' son in its schools, this matter must be remanded to the OAL for supplementation of the record in this regard and an appropriate recommended order regarding the payment of tuition.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 29, 2005

Date of Mailing: September 29, 2005

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\* 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.*