

K.J., on behalf of minor child, A.J.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE CITY	:	DECISION
OF CLIFTON, PASSAIC COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner challenged the Board’s residency determination that his brother, A.J., who came from the Palestinian area of Ramala, Israel, to live with him, was not entitled to a free public education under the “affidavit student” provision of *N.J.S.A.* 18A:38-1b.

The ALJ concluded that A.J., an American citizen, was entitled to a free public education in the District since he came to live with petitioner due to legitimate family or economic hardship and not solely in order to attend school in the District. Moreover, petitioner provided all of A.J.’s financial support. The ALJ granted petitioner’s request that A.J. be permitted to attend school in the District without cost for the period from October 11, 2001 to April 17, 2003 and dismissed the Board’s counterclaim for tuition.

The Commissioner adopted the Initial Decision as his own.

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.

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter,<sup>1</sup> the Commissioner concurs that petitioner has demonstrated that: 1) he is supporting his brother, A.J., *gratis*; 2) A.J.'s parents are incapable of supporting A.J. and caring for him in their own country due to economic and family hardship; and 3) A.J. is not residing with petitioner solely for the purpose of receiving a free public education in the District. A.J. was, therefore, entitled to attend school in the Board's District, free of charge, pursuant to *N.J.S.A. 18A:38-1 et seq.*, during the period from October 11, 2001 to April 17, 2003.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: December 17, 2003  
Date of Mailing: December 17, 2003

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<sup>1</sup> The parties stipulated that, during the time period at issue, *i.e.*, October 11, 2001 to April 17, 2003, petitioner and his brother, A.J., were domiciled within the Clifton School District. (Initial Decision at 2)

<sup>2</sup> 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.*