

OAL DKT. NO. EDU. 11336-03

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AGENCY DKT. NO. 393-10/03

M.N. and E.Y., on behalf of minor child, K.N., :  
PETITIONERS, :  
V. : COMMISSIONER OF EDUCATION  
STATE-OPERATED SCHOOL DISTRICT OF : DECISION  
JERSEY CITY, HUDSON COUNTY, :  
DR. CHARLES EPPS, FRANKLIN WALKER, :  
ANNE BUTLER AND LAURA BUCCINNA, :  
RESPONDENTS. :  
\_\_\_\_\_ :

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 his full and independent review, the Commissioner concurs with the Administrative Law Judge that the instant petition is appropriately dismissed because it was filed well outside the 90-day limitation period set forth in *N.J.A.C.* 6A:3-1.3(d) and petitioners have failed to set forth a legal or factual basis for waiving the timely filing requirement.

Accordingly, the Initial Decision is adopted for the reasons stated therein. Summary decision is granted to the Board and the Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 21, 2004

Date of Mailing: July 21, 2004

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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.*