

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

SYNOPSIS

Petitioning uncle challenged the Board's residency determination that his nephew, F.R.A., was not entitled to a free public education in the District.

The ALJ concluded that petitioner had met his burden of proof under *N.J.S.A.* 18A:38-1b(1) that F.R.A., whose parents reside in Peru, was domiciled in the District and that petitioner was supporting him *gratis* due to family and economic hardships. The ALJ denied the Board's application for tuition reimbursement and ordered that F.R.A. was entitled to a free education in the Clifton Public Schools.

The Commissioner adopted the Initial Decision as his own.

<p>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.</p>

May 12, 2004

OAL DKT. NO. EDU 11399-03
AGENCY DKT. NO. 86-3/03

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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 review, the Commissioner concurs, for the reasons stated by the Administrative Law Judge, that petitioner has demonstrated M.R.A.'s entitlement to attend school in the respondent's district free of charge pursuant to *N.J.S.A.* 18A:38-1b(1).

Accordingly, for the reasons expressed therein, the Initial Decision is adopted as the final decision in this matter.

IT IS SO ORDERED. *

COMMISSIONER OF EDUCATION

Date of Decision: May 12, 2004

Date of Mailing: May 12, 2004

* 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.*