

BOARD OF EDUCATION OF THE CITY :  
OF CLIFTON, PASSAIC COUNTY, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 J.D., on behalf of minor child, G.T., : DECISION  
 :  
 :  
 RESPONDENT. :

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SYNOPSIS

Petitioning Board sought tuition reimbursement from respondent, J.D., for a period of alleged ineligible attendance of her son in the District's high school. Respondent admitted that she had moved from Clifton and established residency in Paterson as of February 1, 2008, but informed the Board that G.T. was living with his grandmother to enable him to continue attending Clifton High School, and that she intended to establish legal guardianship with the grandmother. Respondent failed to appear at two scheduled hearings in this matter, despite appropriate notice of same.

The ALJ found that: there is no evidence in the record that the grandmother was G.T.'s legal guardian pursuant to a court order or guardianship proceeding, nor is there any evidence of a family or economic hardship; G.T. continued to attend Clifton High School after his mother established residency in Paterson as of February 1, 2008, and continued to attend until June 24, 2008; respondent failed to attend the hearings scheduled for November 25, 2008 and December 10, 2008, and offered no explanation for her failure to appear. Accordingly, the ALJ concluded that the Board is entitled to reimbursement for the cost of G.T.'s education at the daily tuition rate of \$60.12 for the period from February 1 through June 24, 2008.

The Commissioner adopted the OAL's Initial Decision as the final decision in this matter, and directed respondent to pay petitioner tuition in the amount of \$5,350.68.

<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>
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OAL DKT. NO. EDU 11476-08  
AGENCY DKT. NO. 188-7/08

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

Upon review, the Commissioner concurs with the Administrative Law Judge – for the reasons comprehensively presented in her decision – that respondent has failed to sustain her burden of establishing that her child, G.T., was eligible to attend the Board’s Clifton High School free of charge during the period February 1, 2008 through June 24, 2008 – a total of 89 days – and, therefore she must pay the Board, at the rate of \$60.12 per diem, for this period of his ineligible attendance.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter. Respondent is hereby directed to pay the Board \$5,350.68 for her child’s attendance in the Board’s school during the above-referenced time period.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: February 19, 2009

Date of Mailing: February 19, 2009

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\* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.