

36-02

L.N., on behalf of minor child,	:	
A.F.N.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE SOUTH	:	DECISION
ORANGE AND MAPLEWOOD SCHOOL	:	
DISTRICT, ESSEX COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner, brother of A.F.N., challenged the Board's residency determination.

Petitioner failed to appear at the hearing, and the ALJ determined that A.F.N. is not entitled to a free education in the Board's District. The ALJ also assessed tuition for the period of ineligible attendance.

The Commissioner affirmed the decision of the ALJ, but adjusted the tuition award to the date of his decision.

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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February 4, 2002

OAL DKT. NO. EDU 9937-00
AGENCY DKT. NO. 333-9/00

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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, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner failed to demonstrate that A.F.N. is entitled to attend school in the Board's District, free of charge, pursuant to *N.J.S.A.* 18A:38-1b(1).

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein. The Commissioner directs that petitioner remit to the Board tuition in the amount of \$8,200 for the 2000-2001 school year, together with \$54.37 per day from September 5, 2001 until the date of this decision.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: 2/4/02
Date of Mailing: 2/4/02

* This decision, as the Commissioner's final determination, 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.