

C.K., on behalf of minor child,  
D.K.,

PETITIONER,

V.

BOARD OF EDUCATION OF THE  
BOROUGH OF SADDLE BROOK,  
BERGEN COUNTY,

RESPONDENT.

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COMMISSIONER OF EDUCATION

DECISION

SYNOPSIS

Petitioning parent challenged the Board’s determination that D.K. was not eligible for a free public education in respondent’s District while the family was looking for a home in the District. The District sought tuition for the time of ineligible residency if petitioner did not provide documentation evidencing residency.

Petitioner failed to appear at the hearing to prove that D.K. met the requirements of a free education. The ALJ dismissed the petition and concluded petitioner should be assessed tuition.

The Commissioner adopted the findings and determination in the Initial Decision as his own and directed petitioner to remit to the Board tuition in the amount of \$3,250.

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.

OAL DKT. NO. EDU 3473-02  
AGENCY DKT. NO. 78-3/02

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D.K.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
BOROUGH OF SADDLE BROOK,	:	
BERGEN COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

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's conclusion that petitioner has failed to prove D.K. was entitled to a free public education in respondent's District.

Accordingly, the Initial Decision is adopted for the reasons expressed therein. The Petition of Appeal is dismissed and petitioner is directed to remit to the Board \$3,250 representing tuition for the period of D.K.'s ineligible attendance in the District.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: November 6, 2002

Date of Mailing: November 8, 2002

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\* 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.