

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

SYNOPSIS

Petitioning aunt challenged the Board's residency determination that her nephew, A.V., was not entitled to a free public education in the District.

The ALJ concluded that undisputed evidence showed that A.V. was not domiciled in the District. Twice, petitioner failed to appear at hearing. Thus, the ALJ granted the District's request to dismiss the appeal for petitioner's failure to appear and granted the District's request for reimbursement of past tuition in the amount of \$7,092.40.

The Commissioner adopted the Initial Decision and directed petitioner to remit to the Board the tuition due.

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 09386-02
AGENCY DKT. NO. 297-9/02

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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 careful and independent review of the record in this matter, and accepting the factual findings of the Administrative Law Judge, the Commissioner concludes that petitioner, the minor child's aunt, twice failed to appear for the hearings scheduled in this matter, and, therefore, has not demonstrated that A.V. is entitled to a free public education in respondent's District pursuant to *N.J.S.A.* 18A:38-1(b)1.

Accordingly, the Petition of Appeal is dismissed. Pursuant to *N.J.S.A.* 18A:38-1b(1), the Commissioner directs that petitioner remit to the Board tuition for the 2002-03 school year in the amount of \$7,092.40.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: November 17, 2003

Date of Mailing: November 17, 2003

* 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.*