

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

SYNOPSIS

Petitioner challenged the Board's residency determination that her sister, E.O., was not entitled to a free public education in the District.

The ALJ concluded that petitioner met her burden of proof under *N.J.S.A.* 18A:38-1b(1) that E.O. was domiciled in the District; that petitioner was supporting her *gratis*; and that E.O.'s parents living in Peru were incapable of supporting her. The ALJ concluded that E.O. was entitled to a free public education in the District.

The Commissioner adopted the Initial Decision as his own and ordered the Board to continue to admit E.O. into its public school system free of charge.

<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>

April 30, 2004

OAL DKT. NO. EDU 09607-03
AGENCY DKT. NO. 326-9/03

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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 careful and independent review of the record of this matter, the Commissioner concurs that petitioner has demonstrated that E.O. 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 OAL is adopted for the reasons expressed therein. The Board is hereby ordered to continue to admit E.O. into its public school system free of charge.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 30, 2004

Date of Mailing: April 30, 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.*