

OAL DKT. NO. EDU 9608-03

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AGENCY DKT. NO. 324-9/03

H.K., on behalf of minor child, J.B., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY : DECISION
OF CLIFTON, PASSAIC COUNTY, :
RESPONDENT. :
_____ :

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, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner, who did not appear for the hearing in this matter, has failed to carry his burden of proof that his nephew was entitled to a free education in the Clifton School District. The Commissioner further agrees with the grant of the Board's counterclaim for tuition in the amount of \$7,511.60 for the 178 days of J.B.'s ineligible attendance in school in the Clifton School District between September 8, 2003 and June 17, 2004.

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 18, 2004

Date of Mailing: August 18, 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.*