

258-04 (Link to OAL Decision: [http://lawlibrary.rutgers.edu/oal/html/initial/edu11701-03\\_1.html](http://lawlibrary.rutgers.edu/oal/html/initial/edu11701-03_1.html))

OAL DKT. NO. EDU 11701-03

AGENCY DKT. NO. 381-10/03

S.P., on behalf of minor child, S.P., :  
 :  
 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. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, the Commissioner concurs that petitioner has failed to carry her burden of demonstrating that S.P. is entitled to a free public education in respondent's district pursuant to *N.J.S.A.* 18A:38-1b(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 \$934.56 representing tuition for S.P.'s ineligible attendance in the district from October 20, 2003 until November 21, 2003.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: June 28, 2004

Date of Mailing: June 29, 2004

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\* 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.*