

218-04 (Link to OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu01353-03_1.html)

N.C.R., on behalf of minor child, L.M.M.,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE	:	
CITY OF CLIFTON, PASSAIC COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioning aunt challenged the Board’s residency determination that her nephew, L.M.M., was not entitled to a free public education in the District during the 2002-03 school year.

The ALJ concluded that petitioner, who failed to appear at hearing and failed to send anyone on her behalf, did not sustain her burden of proof that L.M.M. was a legal resident in the District. The ALJ dismissed the petition and ordered petitioner to reimburse the Board the tuition owed.

The Commissioner adopted the Initial Decision as his own and directed payment for the period of L.M.M.’s ineligible attendance in the District.

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.
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May 21, 2004

OAL DKT. NO. EDU 1353-03
AGENCY DKT. NO. 373-11/02

N.C.R., on behalf of minor child, L.M.M.,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
	:	
V.	:	DECISION
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	:	
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 review, the Commissioner concurs, for the reasons stated in the Initial Decision, that petitioner has failed to carry her burden of demonstrating L.M.M.'s entitlement to attend the schools of Clifton free of charge.

Accordingly, for the reasons expressed therein, the Initial Decision dismissing the Petition of Appeal is adopted as the final decision in this matter. Petitioner is directed to pay to the respondent Board of Education, for the period of L.M.M.'s ineligible attendance in the District, tuition in the amount of \$7,507.80.

IT IS SO ORDERED. *

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2004
Date of Mailing: May 21, 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.*