

# 305-07 (OAL Decision: Not yet available on-line)

OAL DKT. NO EDU 11180-04  
AGENCY DKT. NO. 317-9/04

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

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The Initial Decision and record of this matter, including affidavits submitted subsequent to the hearing at the Office of Administrative Law (OAL)<sup>1</sup> but entered into evidence by the Administrative Law Judge (ALJ) when no objections were made by the respective opposing parties, have been reviewed. Accepting the ALJ’s credibility determinations - as the Commissioner is obligated to do<sup>2</sup> - the Commissioner adopts the Initial Decision as the final decision, for the reasons set forth therein.

Petitioner’s appeal is granted. A.A. was entitled to a free public education in respondent’s district during the time that he attended school there; respondent’s counterclaim is dismissed.

IT IS SO ORDERED.<sup>3</sup>

COMMISSIONER OF EDUCATION

Date of Decision: July 30, 2007

Date of Mailing: July 30, 2007

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<sup>1</sup> The Commissioner was not provided with a transcript of the March 1, 2006, hearing.  
<sup>2</sup> See, e.g., *D.L. and Z.Y. on behalf of minor children T.L. and K.L. v. Board of Education of the Princeton Regional School District*, 366 N.J. Super. 269, 273 (App. Div. 2004).  
<sup>3</sup> 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.*