

MR. AND MRS. M.M., on behalf of minor,       :  
S.M.,  
  
                  PETITIONERS,                       :  
  
V.   :  
  
BOARD OF EDUCATION OF THE CITY               :  
OF CLIFTON, PASSAIC COUNTY,                    :  
  
                  RESPONDENT.                     :  
  
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SYNOPSIS

Petitioners challenged the Board’s determination that their application for admission of their niece into the District’s schools did not satisfy the criteria of the “affidavit student” provisions of the law and, thus, that petitioners’ niece was not entitled to a free education in the Board’s District. The Board counterclaimed for tuition.

The ALJ determined that petitioners failed to satisfy the statutory criteria. The ALJ dismissed the petition and awarded the Board tuition.

The Commissioner affirmed the Initial Decision.

OAL DKT. NO. EDU 5389-01  
AGENCY DKT. NO. 117-5/01

MR. AND MRS. M.M., on behalf of minor, :  
S.M., :  
PETITIONERS, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE CITY : DECISION  
OF CLIFTON, PASSAIC COUNTY, :  
RESPONDENT. :

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The record and Initial Decision issued by the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review of the record, the Commissioner agrees with the findings and conclusions of the Administrative Law Judge (ALJ) and adopts the Initial Decision recommended by the ALJ as the final decision in this matter for the reasons stated therein.

Accordingly, the Petition of Appeal is hereby dismissed. Petitioners are directed to pay to the Board \$1,209.44 for the period of S.M.'s ineligible attendance in the Clifton School District from May 9, 2001 until June 27, 2001.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: 4/8/02  
Date of Mailing: 4/8/02

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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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.