

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

SYNOPSIS

Petitioning uncle challenged the Board’s residency determination that his nephew, R.K., was not entitled to a free public education in the District. R.K.’s Palestian parents live in a refugee camp in Syria.

In light of the record and the testimony of witnesses, the ALJ concluded that petitioner satisfied the requirements of *N.J.S.A.* 18A:38-1(b) in that petitioner was domiciled within the District; that he was supporting R.K. *gratis*; that the parents were incapable of supporting R.K. in their own country due to economic hardship; and that the minor child was not residing with petitioner solely for the purposes of receiving a free public education in the District. Therefore, the ALJ concluded that R.K. met the requirements of an affidavit student and was entitled to a free public education in the District.

The Commissioner adopted the Initial Decision as his own.

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.

OAL DKT. NO. EDU 8109-01
AGENCY DKT. NO. 375-9/01

F.M., on behalf of minor child, R.K., :
 :
 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, and based on the Administrative Law Judge's (ALJ) credibility assessments, *N.J.S.A.* 52:14B-10(c), the Commissioner concurs that petitioner has demonstrated that R.K. is entitled to attend school in the Board's district, free of charge, pursuant to *N.J.S.A.* 18A:38-1 *et seq.*

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 11, 2003

Date of Mailing: August 14, 2003

* 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.*