

EDU #5562-97
C # 554-98
SB # 8-99
EDU #1162-99
C # 41-00R
SB # 18-00

E.G.P., on behalf of minor child, M.B., :
PETITIONER-RESPONDENT, :
V. : STATE BOARD OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF RUTHERFORD, :
BERGEN COUNTY, :
RESPONDENT-APPELLANT. :

Remanded by the Commissioner of Education, December 21, 1998

Decided by the State Board of Education, June 2, 1999

Remanded by the Commissioner of Education, January 24, 2000

For the Petitioner-Respondent, E.G.P., pro se

For the Respondent-Appellant, Fogarty & Hara (Ellen Marie Walsh, Esq., of
Counsel)

The decision of the Commissioner of Education remanding this matter to the Office of Administrative Law a second time for further proceedings is affirmed for the reasons expressed therein, with the following modification. We direct the Administrative Law Judge to apprise the petitioner, who alleged that she had been unable to attend the hearings held in this matter due to illness, of the options which are available to her in presenting her case, including those which do not require her physical presence at

hearing. In so doing, we stress that the petitioner, who is acting pro se, has the burden of demonstrating her grandson's entitlement to a free public education in the Rutherford school district, N.J.S.A. 18A:38-1b(1), and we caution the petitioner that this will be her final opportunity to establish such an entitlement.

Arnold G. Hyndman abstained.

July 5, 2000

Date of mailing _____