

**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION ON MOTION**  
**FOR SUMMARY DECISION**

OAL DKT. NO. EDS 07242-16

AGENCY DKT.NO. 2016-24387

**A.M. & K.M. O/B/O K.M.,**

Petitioners,

v.

**CLIFTON BOARD OF EDUCATION,**

Respondent.

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**K.M.**, appearing pro se

**Jessika Kleen**, Esq., appearing for respondent (Machado Law Firm, attorneys)

Record Closed: September 6, 2016

Decided: September 8, 2016

BEFORE **LELAND S. MCGEE**

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On April 26, 2016, Petitioners filed the within Request for Due Process seeking placement of K.M. in CCMS or home instruction for the remainder of the 2015-2016 school year and placement at Clifton High School for the 2016-2017 school year. On June 15, 2016, the undersigned conducted a prehearing telephone conference call with the parties. A subsequent telephone conference call was held on June 30, 2016. During that call, Petitioner K.M. indicated that minor child K.M. moved to Paterson, New Jersey. On or about August 1, 2016, Tamara Summage, Probation Officer, advised Respondent of

Petitioners' new address in Paterson, New Jersey. On August 4, 2016, Respondent filed a Motion for Summary Decision based upon Petitioners' new residence. Petitioners failed to file an Answer to the motion. On August 31, 2016, Respondent provided this court with a copy of the Student Transfer Card for minor child K.M. indicating that she transferred to East Side High School in Paterson, New Jersey. On September 6, 2016, Petitioners failed to appear for Oral Argument.

**ORDER**

Counsel for Respondent filed a Motion for Summary Decision seeking an order dismissing the within Request for Due Process Hearing; and the Court having considered the submissions of Respondent; and Petitioner having failed to submit any response to the Motion; and it appearing that the minor child K.M. no longer resides within the jurisdiction of the respondent School District; and Petitioner having failed to appear at the hearing scheduled for September 6, 2016, and has failed to contact this Court regarding same; and for good cause shown;

**IT IS ORDERED** that the Motion for Summary Decision on behalf of Clifton Board of Education is hereby **GRANTED** and the due process petition filed by petitioner K.M. on behalf of K.M. is hereby **DISMISSED**.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2012) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C.A. § 1415(i)(2); 34 C.F.R. § 300.516 (2012). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education.

September 8, 2016 \_\_\_\_\_

DATE

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**LELAND S. McGEE, ALJ**

Date Mailed to Parties:

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