

R.A.R., on behalf of minor child, R.D.R., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BLACK HORSE PIKE REGIONAL :
HIGH SCHOOL DISTRICT, :
CAMDEN COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner – a resident of Gloucester Township – contends that his daughter, R.D.R., is entitled to a free public education in the Black Horse Pike Regional High School District. Respondent Board asserts that because the child’s mother – a Pennsylvania resident – has a court order giving her primary physical custody, the petitioner must obtain a letter from the mother granting permission for R.D.R. to attend school in its district under his supervision. Respondent Board does not seek tuition from petitioner, but rather proof that the child is legitimately under the care of petitioner.

The ALJ found that because the Board does not dispute that petitioner is R.D.R.’s father, nor that he is a resident of Gloucester Township, R.D.R. is legally domiciled within the respondent’s school district; accordingly – pursuant to *N.J.S.A.* 18A:38-1(a) and *N.J.A.C.* 6A:22-3.1(a)1.i. – she is entitled to a free public education in Black Horse Pike Regional schools. Accordingly, the ALJ granted petitioner’s appeal.

Upon an independent review of the record, the Commissioner adopted the Initial Decision as the final decision in this matter. The Commissioner ordered the respondent Board to continue to admit R.D.R. free of charge, so long as there is no change in circumstances that would alter her entitlement.

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.

March 5, 2008

OAL DKT. NO. EDU 8849-07
AGENCY DKT. NO. 304-10/07

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon review the Commissioner concurs with the Administrative Law Judge (ALJ) that since it is undisputed that petitioner is the father of R.D.R. and that he is domiciled in Gloucester Township, minor child, R.D.R. – who lives with petitioner on a permanent basis – is entitled to attend the District’s schools free of charge pursuant to *N.J.S.A.* 18A:38-1(a) and *N.J.A.C.* 6A:22-3.1(a)1.i.¹

Accordingly, the recommended decision of the OAL is adopted for the reasons stated therein. The Board is hereby ordered to continue to admit R.D.R. into its public school system – free of charge – so long as there is no change in circumstances that would alter her entitlement.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: March 5, 2008

Date of Mailing: March 5, 2008

¹ It is noted that the 3rd paragraph on Page 2 of the Initial Decision incorrectly summarizes the ALJ’s conclusion in this case.

² 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.*

