

R.C.P. JR., on behalf of minor children, J.P. :
AND J.P., :
 :
PETITIONER, :
 :
V. : COMMISSIONER OF EDUCATION
 :
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF HILLSIDE, :
UNION COUNTY, :
 :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner filed a *pro se* residency appeal challenging the respondent Board’s determination that his children, J.P. and J.P., are not entitled to a free public education in the Township of Hillside schools. Petitioner asserted that he has custody of the children. The Board contended that the children are domiciled in Irvington with their mother, and sought tuition reimbursement from petitioner for 180 school days during the 2013-2014 school year – for a total of \$12,762 per child.

The ALJ found, *inter alia*, that: the Commissioner has held that the domicile of a minor depends upon where the minor lives if the parents were never married or if there is no fixing of legal custody; even if a custody order is in place, the Commissioner will look to see where the minor child is actually residing, and a custody order is not always dispositive; petitioner did not present documentation to reflect that he is the custodial parent; and based upon the results of the Board’s residency investigation, J.P. and J.P. were not domiciled in Hillside during the period in question. Accordingly, the ALJ concluded that the children were not eligible for a free public education in Hillside during the 2013-2014 school year, and granted the Board’s application for tuition reimbursement in the amount of \$12,762 per child.

Upon review of the record and the Initial Decision, the Commissioner concurred with the ALJ’s findings and conclusions. Accordingly, the Initial Decision was adopted as the final decision in this matter, and the petitioner was ordered to pay the Board total tuition costs of \$25,524 for the 2013-2014 school year.

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 6127-14
AGENCY DKT. NO. 115-5/14

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_____	:	

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

Upon such review, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein. Accordingly, the petitioner shall pay the Board \$12,762.00 per child in tuition costs for J.P.'s and J.P.'s ineligible enrollment in the District for the 2013-2014 school year. Therefore, the petitioner shall pay the Board a total of \$25,524.00 in tuition costs for the 2013-2014 school year.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 23, 2014

Date of Mailing: December 23, 2014

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to P.L. 2008, c. 36. (N.J.S.A. 18A:6-9.1).