

**New Jersey Commissioner of Education**  
**Final Decision**

C.R. and J.L., on behalf of minor child, S.L.,

Petitioners,

v.

Board of Education of the Borough of Roselle Park,  
Union County,

Respondent.

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

Upon review, the Commissioner concurs with the Administrative Law Judge that petitioners' minor child was entitled to attend school in the Roselle Park School District during the entirety of the 2024-2025 school year because petitioners and their minor child are domiciled within the school district. *N.J.S.A. 18A:38-1(a); N.J.A.C. 6A:22-3.1(a)*.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby granted. Respondent's counterclaim for tuition reimbursement is denied.

IT IS SO ORDERED.<sup>1</sup>



COMMISSIONER OF EDUCATION

Date of Decision: September 26, 2025

Date of Mailing: September 29, 2025

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



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

**INITIAL DECISION**

OAL DKT NO. EDU 02248-25

AGENCY DKT NO. 400-12/24

**C.R. AND J.L. ON BEHALF OF S.L.,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE BOROUGH  
OF ROSELLE PARK, UNION COUNTY,**

Respondent.

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**Richard J. Kaplow, Jr., Esq.**, for petitioners (Richard J. Kaplow, P.A., attorneys)

**Nicholas D. Hession, Esq.**, and **Michael L. Collins, Esq.**, for respondent (King,  
Moench & Collins, LLP, attorneys)

Record Closed: July 23, 2025

Decided: August 25, 2025

BEFORE: **IRENE JONES, ALJ** (Ret., on recall):

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On December 11, 2024, petitioners, C.R. and J.L., filed a Petition of Appeal with the Commissioner of Education contesting the finding of the respondent, Board of Education of Roselle Park, Union County (the Board or the District), that their son, S.L., is ineligible to attend the District schools on a tuition-free basis because he is not

domiciled in the District. The appeal was in response to a Notice of Initial Determination of Ineligibility and a Board hearing held on November 19, 2024. At that hearing, the Board in executive session rejected the parents' explanations and proofs and affirmed the determination of ineligibility. Thereafter, a Final Notice of Ineligibility dated November 24, 2024, was issued, and this petition of appeal followed.

Petitioners assert that they and their minor child, S.L., are in fact domiciled at 143 West Roselle Avenue and have always been during the time that S.L. was enrolled in and attended the District schools. It is argued that the Board's action was biased, prejudiced and predisposed against the petitioners.

### **FINDINGS OF FACT**

I **FIND** the following **FACTS** to be undisputed; thus, they are adopted as to the **FACTS** herein:

1. S.L. is a student at the Roselle Park Middle School. At the time that the instant controversy arose, S.L. was in the sixth grade.
2. S.L. enrolled in the District school in the 2024–2025 school year.
3. S.L. is the son of C.R. and J.L. J.L. and C.R. were married on August 17, 2024, in Roselle Park. (Exh. E.)
4. Prior to the marriage, J.L. and S.L. resided in Whitestone, New York.
5. J.L. has a renter's insurance policy and health insurance using the 143 West Roselle Avenue address. (Exhs. A, F.)
6. She also has her phone registered at the address. (Exhs. B, C, D.)
7. J.L.'s immigration Form I-797C lists her address as 143 West Roselle Avenue as her mailing address. (Exh. H.)
8. S.L.'s U.S. passport provides that he is an American citizen. (Exh. I.)
9. J.L.'s N.J. driver's license was issued on September 3, 2024. (Exh. I.)
10. C.R.'s N.J. commercial driver's license was issued on May 17, 2024. (Exh. I.)
11. J.L.'s 2013 **gray Hyundai** (emphasis added) is registered with NJMVC at the 143 West Roselle Avenue address.

12. J.L. filed a change of address form with the USPS to forward mail to her new address (143 West Roselle Ave) effective September 2, 2024. (Exh. M.)
13. J.L. has a checking account that lists her address as 143 West Roselle Ave. (Exh. N.)
14. J.L.'s car insurance ID card lists her address as 143 West Roselle Ave. (Exh. N.)
15. J.L. and C.R. filed a joint federal income tax return for 2024 using the 143 West Roselle Ave address. (Exh. R.)
16. The respondent does not dispute that C.R. resides at 143 West Roselle Ave. Nor has the respondent rebutted that he has lived there for eighteen years.
17. The leases prepared by the petitioners were done at the suggestion of the school to enroll S.L. in the district schools.

### **Testimony**

#### **For respondent:**

Jeffery Joy, residency investigator for the District, testified that he has held his position since 2003. He is a retired police officer and began working full-time for the District in 2024. He prepared R-1, which is a residency report. On October 6, 2024, he visited 143 West Roselle Avenue and spoke with C.R. C.R. emphasized that he had lived at the house his whole life. He did not feel confident that C.R. was telling the truth because he felt that C.R. was overemphasizing the point.

Joy related that he began this investigation on October 10, 2024. On that day, he arrived at the residence at 6:46 a.m. A car with New York license plates was parked in the driveway. At 7:46 a.m., a car with New Jersey license plates pulled into the driveway, and a "kid" exited the vehicle. He called the school and confirmed that the kid was S.L. The secretary advised that she would call the homeroom teacher to ascertain what S.L. was wearing.

Joy returned to the residence on October 15, 2024, and observed a gray Honda sedan with a New York license plate #JNL4---3. At 7:43 a.m., a white Toyota SUV entered the driveway, and S.L. exited the car and got into another car and was taken to school.

His fourth surveillance occurred on October 21, 2024. Again, he parked where he could observe the empty driveway. At 7:43 a.m., a car with NY license plates pulled into the driveway, and S.L. got out of the car and got into another car and proceeded to school.

His last surveillance occurred on October 23, 2024. Upon arrival, the driveway was empty. At 7:55 a.m., a white Toyota arrived, and S.L. exited the car and got into another car. He called the school secretary, Ms. Paterno, to confirm S.L.'s clothing.

Under cross-examination, Joy conceded that he never spoke to the C.R. after his initial conversation. His conclusion that S.L. did not live in the District was solely based on his surveillance. He has no idea where S.L. is domiciled but believes it is not the District. The fact that the family has a lease for the residence does not change his conclusion. He admits that he did not see the family's tax filing or any other documents.

He found the lease to be suspicious because the house is a single-family unit. The family needs only to submit an affidavit attesting that they live in the residence.

Michelle Paterno and Kimberly Bedford are both employed by the District as office secretaries at the middle school. Both witnesses testified that they would call S.L.'s homeroom teacher and ask for a description of S.L.'s attire. Both testified that they never shared Joy's description of S.L.'s attire with the homeroom teacher.

For petitioner:

C.R. is S.L.'s father. He is married to J. L., who is S.L.'s mother. S.L. is twelve years old. His wife enrolled S.L. in the District school in May 2024. Prior to enrollment, S.L. attended school in Whitestone, New York, where she lived. He married J.L. in August 2024. At that time, he lived in Roselle Park with his parents, where he had always lived.

He identified his passport, birth certificate, vaccine records and a residential lease. He also provided a 2024 tax return to the District.

He owns his own trucking company and an eighteen-wheel tractor-trailer. He comes home very early in the morning. He takes S.L. with him to Springfield around 5–5:30 a.m., where he houses the truck and performs routine maintenance. He then returns home, and S.L. gets his book bag and takes him to school. S.L. is fully dressed for school.

He recalls meeting with Joy on a Sunday morning. Joy showed him a badge and a school ID. Joy told him that their identification papers were forged and that anyone could get IDs.

Under cross-examination, C.R. stated that he has lived at home with his parents for 18 years, and his wife moved in August 2024 after they were married. She and S.L. previously lived in Whitestone, N.Y. His work and company are in New Jersey.

S.L., a seventh-grade student, is enrolled in Roselle Park Middle School. He lives at 143 West Roselle Avenue in Roselle Park, N.J. Previously, he lived in Whitestone, New York, with his mom. He only lives in Roselle Park, and he rides to school in either a Hyundai or a Toyota RAV4. His dad or his mom takes him to school. He goes to work with his dad each morning. He is there while his dad warms up his truck. He does not bring his backpack to the truck but picks it up when he returns home to go to the bathroom before leaving for school.

S.L. enthusiastically testified that he loves trucks and wants to own his own truck business when he grows up. He never spoke to Mr. Joy.

J.L. testified that she is S.L.'s mother. They moved to Roselle Park from White Plains, N.Y. She recalls seeing Joy in White Plains, N.Y. She married S.L.'s father in August 2024 in Roselle Park. She called the District in May 2024 about S.L.'s impending enrollment. She was told that she needed a lease; thus, she had R-2 prepared. R-2 is a lease dated May 2024. There is a second lease that was prepared in August 2024, which

was submitted to the District after the May 2024 lease was rejected by the District. They pay rent to her father-in-law every month. S. L. does not take his backpack to the truck because it contains his laptop and books and is very heavy.

### **ARGUMENT**

The respondent asserts that the sole legal issue is whether petitioner has demonstrated that he is domiciled in Roselle Park such that he is entitled to a free, public education there. N.J.S.A. 18A:38-1. Respondent argues that petitioner has failed to show that he is truly domiciled in the District or living with his grandparents gratis. It relies on the report submitted by the investigator who observed S.L. being dropped off at the residence and being driven moments later to school. Joy observed S.L. being dropped off and taken to school on six occasions. Joy's observations were all during the morning hours.

Further, the District argues that the leases submitted by the parents were made solely to support S.L.'s enrollment in Roselle Park Middle School. The District contends that the first issue is that there are two leases, the second of which was obtained after J.L. was told the first would be insufficient to establish residency. The leases were obtained for the sole purpose of proving residency and were not intended to permit the family to live on the property. Finally, the district contends that the leases on their faces are not intended to be legally enforceable. Paragraph twenty-seven of each lease states that "no more than 2 adults and 2 children may reside in the premises." J.L. testified to this court that at least seven people live in the residence. This clause was clearly inserted to insinuate to Roselle Park that petitioner's family is domiciled in the residence and not to have a legal effect. Thus, because of the inconsistent nature of the lease, the document lacks credibility.

Petitioner argues that the District's case must fail because its main witness, Jeffrey Joy, failed to credibly testify on the issue of domicile. More specifically, petitioner contends that the District has not proved where the petitioners are in fact domiciled. Indeed, Investigator Joy made no attempt to ascertain any address outside of Roselle Park. This is at odds with most cases where domicile is in dispute.

In support of his case, petitioner submitted:

Exhibit A	Assurant Renter's Insurance
Exhibit B	AT&T phone bill from August 24, 2024
Exhibit C	AT&T phone bill from September 24, 2024
Exhibit D	AT&T phone bill from December 24, 2024
Exhibit E	Certificate of Marriage
Exhibit F	Communications Preference
Exhibit G	General Lease
Exhibit H	Immigration Form I797C
Exhibit I	IS Passport S.L.
Exhibit J	N.J. Driver's License
Exhibit K	N.J./MVC car registration
Exhibit L	Auto Title
Exhibit M	USPS Change of Address
Exhibit N	Voided Check
Exhibit O	GEICO Auto Insurance
Exhibit P	Report Card
Exhibit P-2	Report Card
Exhibit Q	2024 Federal Tax Documents
Exhibit R	2024 N.J. Tax Documents

### **DISCUSSION AND CONCLUSIONS OF LAW**

Any child between the ages of five and twenty years old is entitled to a free public education in the school district in which he is domiciled. N.J.S.A. 18A:38-1(a); N.J.A.C. 6A:22-3.1(a); See V.R. ex rel. A.R. v. Hamburg Bd. of Educ., 2 N.J.A.R. 283, 287 (1980), aff'd, State Bd., 1981 S.L.D. 1533, rev'd on other grounds sub nom.; Rabinowitz v. N.J. State Bd. of Educ., 550 F. Supp. 481 (D.N.J. 1982) (New Jersey requires local domicile, as opposed to mere residence, in order for a student to receive a free education). A student is domiciled in a school district if his parent or guardian has a permanent home in the district such that "the parent or guardian intends to return to it when absent and has



no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.” N.J.A.C.6A:22-3.1(a)(1); State v. Benny, 20 N.J. 238, 250 (1955); In re Unanue, 255 N.J. Super. 362, 374 (Law Div. 1991), aff’d, 311 N.J. Super. 589 (App. Div.), certif. denied, 157 N.J. 541 (1998), cert. denied, 526 U.S. 1051, 119 S. Ct. 1357, 143 L. Ed. 2d 518 (1999).

The domicile of an unemancipated child is that of his parent, custodian or guardian. Somerville Bd. of Educ. v. Manville Bd. of Educ., 332 N.J. Super. 6, 12 (App. Div. 2000), aff’d, 167 N.J. 55 (2001); P.B.K. o/b/o E.Y. v. Bd. of Educ. of Tenafly, 343 N.J. Super. 419, 427 (App. Div. 2001). A child may also be considered domiciled in a school district if he lives with an adult domiciled in that school district, as long as the child is financially supported by that adult as if he were their own child, upon submission of a sworn affidavit to the board of education. N.J.S.A.18A:38-1(b)(1).

A student may attend school in a district in which he is not domiciled, with or without payment of tuition, at the discretion of the school district. N.J.S.A. 18A:38-3(a); N.J.A.C. 6A:22-2.2. A superintendent or administrative principal may also have a non-domiciled student removed from that school, on application to the board of education. N.J.S.A. 18A:38-1(b)(2).

In the case at bar, the respondent asserts that the lease and insurance were procured to support the claim of residency. J.L. credibly testified that the lease was procured after she called the school district in May 2024 to ascertain the necessary steps to enroll S.L. in the district schools. She was told that she would need a lease for her new address. The first lease prepared in May 2024 was rejected by the Board. Respondent argues that the number of people living in the household exceeds the number limitation in the lease; thus, it is unenforceable. The issue here is not the legality of the lease, as this is not a landlord-tenant court. The lease was prepared at the behest of the school district for school enrollment purposes. Since C.R. already lived at the address and was the son of the owners of the house, no lease was even necessary. There is nothing suspicious about the household composition, as extended family households are the norm today, given the high cost of housing.

Notably, the respondent does not dispute the validity of the marriage certificate, the N.J. driver's license, the USPS change of address, the car registration and the federal income tax return.

I **FIND** and **CONCLUDE** that petitioner has shouldered the burden of proof by preponderance of the credible evidence that he is domiciled in the school district. The evidence is unambiguous, and indeed it is overwhelming on its face. The documentary evidence is consistent with the petitioners' testimony that J.L. and S.L. lived in Whitestone, N.Y., prior to marrying C.R. The marriage took place on August 17, 2024, and she relocated to New Jersey in the fall of 2024. Her initial preparation for the relocation was to ensure that her child would be enrolled in school by contacting the school district to ascertain what was necessary for enrollment. Thereafter, she took the necessary steps to effectuate her relocation, i.e., change of address, secure a N.J. driver's license, a new car registration, and a health and auto insurance change of address, among other things. It is clear that S.L.'s parents live at the West Roselle Avenue address.

It is well established that a minor child cannot establish his or her own **domicile**. Rather, the **domicile** of the child is determined by the **domicile** of the parent. (Emphasis added) M.L.P. o/b/o C.L.P. v. Bd. of Educ. of the Twp. of Bloomfield, Essex Cty., 2006 N.J. AGEN LEXIS 917 (Sept. 16, 2006); J.M. o/b/o S.C. v. Bd. of Educ. of the Twp. of W. Orange, Essex Cty., EDU1061-00, Initial Decision (Apr. 6, 2001), adopted, Comm'r, (May 24, 2001), <https://njlaw.rutgers.edu/collections/oal/final/edu1061-00.pdf>. The lease became an issue when the District told her to provide a lease. She complied by submitting a lease that was rejected by the District. Consequently, a second lease was prepared to assure her son's entry into the District school. The lease was not necessary since C.R. lived at the address along with his immediate family.

I further **FIND** credible the testimony of the parents and S.L. Indeed, S.L. enthusiastically testified that he goes with his dad each morning to the truck where the eighteen-wheeler is warmed up. He wants to be a truck driver and delights in going each morning with his dad to warm up the truck.

**ORDER**

I **CONCLUDE** that the S.L. is domiciled within the District and has been since he was enrolled in the District school. Therefore, he is entitled to a free and appropriate education, and it is so **ORDERED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days, and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



August 25, 2025

DATE

IRENE JONES, ALJ (Ret., on recall):

Date Received at Agency:

August 25, 2025

Date Mailed to Parties:

August 25, 2025

IJ/id

**Appendix**

**LIST OF WITNESSES**

**For Petitioner:**

C.R.

J.L.

S.C.

**For Respondent:**

Jeffrey Joy

Kimberly Bedford

Michelle Paterno

**LIST OF EXHIBITS**

**For Petitioner:**

- A Assurant – renters insurance
- B AT&T bill August 24, 2024
- C AT&T bill September 24, 2024
- D AT&T bill December 24, 2024
- E Certificate of Marriage
- F Communications Preferences
- G General Lease Agreement
- H Immigration US Dept Homeland Security Form-797C
- I IS Passport – Sebastian Lopez
- J NJ Drivers License
- K NJMVC car registration
- L Title Auto
- M US Change of Address
- N Void Check
- O GEICO Auto Insurance
- P Report Card, jpeg
- P2 Report Card, pdf
- Q 2024 Federal Taxes

R 2024 NJ Taxes

For Respondent:

R-1 Investigative Report of Jeffrey Joy

R-2 General Lease Agreement dated 5/1/24