

SUPREME COURT OF NEW JERSEY

Somerville Board of Education v. Manville Board of Education, 167 N.J. 55

768 A.2d 779 (2001) · Decided April 10, 2001

SUMMARY

The Supreme Court of New Jersey affirmed a decision requiring the Somerville and Manville school districts to continue sharing equally the special-education costs of a child whose divorced parents shared joint legal and physical custody and who lived with each parent in alternating weeks. The court also addressed allocation of state and federal aid, cooperation in developing the child's Individualized Education Program, and the potential effect of future Department of Education regulations concerning domicile and residency.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Per Curiam; Chief Justice Poritz; Justice Stein; Justice Coleman; Justice Long; Justice Verniero; Justice LaVecchia; Justice Zazzali
JURISDICTION	New Jersey
DECIDED	April 10, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Manville Board of Education appealed the Appellate Division's judgment requiring the Somerville and Manville school districts to share equally the special-education costs of a child whose divorced parents shared joint legal and physical custody and maintained residences in the two districts.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Manville Board of Education v. Somerville Board of Education

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QUESTIONS PRESENTED

1. Whether the Somerville and Manville school districts should continue sharing equally the special-education costs of a child whose parents share joint legal and physical custody and reside in different districts.
2. Whether representatives of both school districts may participate in developing and reviewing the child's Individualized Education Program.
3. Whether the cost-allocation issue was appropriately subject to regulation by the New Jersey Department of Education.

HOLDINGS

1. Under the facts of this case, Somerville and Manville should continue to share equally the educational expenses for A.P., consistent with their mutual agreement.
2. Participation by representatives of both districts in developing and reviewing A.P.'s IEP is not inconsistent with the IDEA or the applicable New Jersey administrative regulation, and cooperation between the districts is appropriate.

KEY QUOTATIONS

"We see no impediment to cooperation between the districts in developing and/or reviewing this child's IEP, with appropriate concern for consistency and continuity in the education plan." (59)

FACTUAL BACKGROUND

A.P. was a minor child whose divorced parents shared joint legal and physical custody, with A.P. living with each parent during alternating weeks. A.P.'s mother lived in Manville and her father lived in Somerville, while A.P. attended school in North Branch. From 1993 through 1997, the Somerville and Manville school districts voluntarily shared educational costs, state and federal categorical aid, and transportation responsibilities.

PROCEDURAL HISTORY

The school districts had voluntarily shared the child's educational costs from 1993 through 1997 but later disputed their continuing obligations. The Appellate Division affirmed relief requiring equal cost sharing and remanded to the Law Division to resolve future cost-sharing issues. The Supreme Court of New Jersey affirmed substantially for the reasons stated in the Appellate Division's opinion.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Law Division was to resolve future cost-sharing issues that might arise between the districts.

CASES CITED

- *Somerville Bd. of Educ. v. Manville Bd. of Educ.*, 332 N.J. Super. 6, 752 A.2d 793 (2000)

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