

129-26R  
OAL Dkt. No. EDU 04976-25  
Agency Dkt. No. 61-3/25

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

A.W., on behalf of minor child, M.W.,  Petitioner,  v.  Board of Education of the Township of Holmdel, Monmouth County,  Respondent.
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The record of this matter, the hearing transcript, the Initial Decision of the Office of Administrative Law (OAL), the exceptions filed by petitioner A.W. pursuant to *N.J.A.C. 1:1-18.4*, and the reply thereto from respondent Board of Education of the Township of Holmdel (Board), have been reviewed and considered.

This dispute involves the Board's January 30, 2025, determination that M.W. was ineligible to receive a free education in the district because she was not domiciled in Holmdel. By way of background, petitioner grew up in Holmdel and attended public school in the district. She registered M.W. to attend school in Holmdel for the 2023-2024 school year via submission of documentation reflecting that she and M.W. lived on Ashley Drive with petitioner's mother, S.F., who provided an affidavit confirming same.

In July 2024, the district received a written complaint alleging that petitioner lived in Hazlet and was dropping M.W. off at the Ashley Drive residence in the morning to be picked up by the school bus. When Principal Tricia Barrett contacted petitioner that month to confirm her

address, petitioner disclosed that she and S.F. recently moved to another address in Holmdel on Lexington Court. Petitioner provided documentation indicating that S.F. began her lease at Lexington Court in October 2023, and S.F. provided an affidavit indicating that petitioner and M.W. lived with her.

In October and November 2024, the district received complaints that petitioner and M.W. did not live on Lexington Court and that petitioner was driving M.W. to the bus stop there from outside the community. It was alleged that she was living in Hazlet. Consequently, the district commenced an investigation and conducted surveillance on several dates in November 2024. Frank Papalia, the district's security specialist, observed petitioner driving into the Lexington Court community with M.W. in the vehicle on two mornings in November 2024, and he saw M.W. board the school bus each time. Additionally, he observed petitioner and M.W. leaving a residence on Franciscan Court in Hazlet on a different morning in November 2024. School records confirmed that M.W. arrived at school on time via the Lexington Court school bus that morning.

Petitioner challenged the Board's initial determination at a Board hearing, although she did not offer any documents or witness testimony in support of her position at that time. Thereafter, she appealed the Board's January 30, 2025, final determination. The OAL held a contested hearing on September 16, 2025, during which petitioner and other witnesses testified. Upon consideration of the testimony, exhibits, and post-hearing briefs, the Administrative Law Judge (ALJ) issued an Initial Decision containing detailed findings of fact and conclusions of law.

Ultimately, the ALJ held that petitioner failed to demonstrate, by a preponderance of the evidence, that she was domiciled in Holmdel during the 2023-2024 and 2024-2025 school years.

Specifically, the ALJ found that petitioner did not reside at Lexington Court in Holmdel with her mother, S.F., and was instead driving her daughter to the bus stop in that community from elsewhere on a regular basis. Consequently, the ALJ concluded that the Board is entitled to reimbursement by petitioner for tuition.

The ALJ carefully assessed the credibility of the witnesses and found petitioner's witnesses to be less credible than respondent's witnesses, which included Papalia, Travis Fantazir (a resident of the Lexington Court community), and Barrett. Overall, the ALJ found the testimony of respondent's witnesses "did not waver and came off as truthful concerning their personal observations and fact-based findings." Initial Decision, at 5. In contrast, the ALJ deemed the testimony of petitioner and S.F., who testified that petitioner and M.W. lived at Lexington Court, to be "less credible" based on their "demeanor, tone, and physical actions." *Ibid.* While the ALJ acknowledged that petitioner received correspondence from the Monmouth County Board of Elections at the Lexington Court address, and that S.F. signed an affidavit indicating that petitioner and M.W. lived with her, he did not find the evidence petitioner presented to be sufficient to establish her residency in the Lexington Court community when weighed against respondent's witness testimony and the Board's investigation.

For instance, the ALJ found that Papalia observed petitioner driving into the Lexington Court community with M.W. in the vehicle on two mornings in November 2024, and that M.W. boarded the school bus each time. In response, petitioner testified that on those mornings, she and her daughter had gone to Panera in Hazlet before the bus stop which is why she was seen driving into the Lexington Court community. Additionally, the ALJ found that Papalia observed petitioner and M.W. leaving a residence on Franciscan Court in Hazlet on a different morning in

November 2024, although the owner of that residence testified that petitioner and M.W. never lived with her. Moreover, the ALJ found that per petitioner's own testimony, she and M.W. stay at petitioner's father's house in Hazlet for at least part of each week.

In her exceptions, petitioner argues that the ALJ erred by: (1) finding that petitioner did not offer testimony or documents to suggest that the district's residency investigation was insufficient; (2) finding that petitioner did not provide testimony or documents to demonstrate that A.W. was domiciled in Holmdel during the time period in question; (3) finding that Fantazir and his wife observed petitioner driving M.W. to the bus stop from outside the community on a daily basis; (4) finding Barrett stated that during the initial weeks of the 2025-2026 school year, M.W. was complaining in school that she had to stay with grandma for two weeks; (5) making a misleading finding that petitioner's father now resides in Hazlet and that petitioner and M.W. stay with him at least part of each week, which cannot serve as a basis for concluding that petitioner is not domiciled in Holmdel; (6) failing to find that the Board's claim that petitioner is domiciled at a residence on Franciscan Court in Hazlet is unsupported by the record; and (7) finding that petitioner was the only Holmdel student claiming to reside at Ashley Drive.

In response, the Board argues: (1) petitioner presents no basis to disturb the ALJ's credibility findings regarding the witness testimony; (2) the photographs upon which petitioner relies fail to undercut the district's investigation or support that she lived in Holmdel because the photos were taken near a Panera Bread in Hazlet; (3) although the district accepted documentation provided by petitioner to register M.W. as a student, subsequent information revealed that petitioner was not in fact domiciled in Holmdel; (4) the ALJ correctly considered and credited testimony about M.W. complaining in school that she had to stay with her

grandmother for two weeks immediately before the hearing; (5) the ALJ correctly found that petitioner's father lived in Hazlet and that she and M.W. stayed with him at least part of each week; and (6) the Initial Decision contains a typographical error reflecting that A.W. was the only student claiming to live at Ashley Drive when it should have referred to M.W., but that is immaterial and does not provide a reason to disturb the ALJ's decision.

Upon review, the Commissioner adopts the Initial Decision, as modified, with regard to the dismissal of petitioner's residency appeal. Under New Jersey law, children are entitled to a free public education in the school district in which they are domiciled. *N.J.S.A. 18A:38-1(a)*. "A student is domiciled in the school district when he or she is the child of a parent or guardian whose domicile is located within the school district." *N.J.A.C. 6A:22-3.1(a)(1)*. See *Somerville Bd. of Educ. v. Manville Bd. of Educ.*, 332 *N.J. Super.* 6, 12 (App. Div. 2000) ("A child's domicile is normally that of his or her parents."), *aff'd*, 167 *N.J.* 55 (2001). "Domicile" in this context means a "true, fixed, permanent home." *D.L. v. Bd. of Educ. of Princeton Reg'l Sch. Dist.*, 366 *N.J. Super.* 269, 273 (App. Div. 2004). The parent "'shall have the burden of proof by a preponderance of the evidence' to prove domicile in the school district." *Ibid.* (quoting *N.J.S.A. 18A:38-1(b)(2)*).

The ALJ's conclusions in this matter are closely intertwined with credibility determinations that are entitled to deference. Pursuant to *N.J.S.A. 52:14B-10(c)*, the Commissioner "may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record." "When such a record, involving lay witnesses, can support more than one factual finding, it is the ALJ's credibility findings that control, unless they are arbitrary or not based on

sufficient credible evidence in the record as a whole.” *Cavalieri v. Bd. of Trs. of Pub. Empl. Ret. Sys.*, 368 N.J. Super. 527, 537 (App. Div. 2004). “[I]t is not for . . . the agency head to disturb [the ALJ’s] credibility determination, made after due consideration of the witnesses’ testimony and demeanor during the hearing.” *H.K. v. Dep’t of Human Servs.*, 184 N.J. 367, 384 (2005).

The Commissioner finds no reason to disturb the ALJ’s assessment of the credibility of the witnesses. The ALJ’s credibility findings are not arbitrary, capricious, or unreasonable. Apart from the fact that the testimony of petitioner and S.F. was deemed less credible by the ALJ, petitioner provided limited evidence to support her position. The rental assistance documents relied upon by petitioner are not signed by the Monmouth County Public Housing Agency. Her physical driver’s license does not reflect the Lexington Court address, although she testified that she updated her address with the Motor Vehicle Commission. Moreover, although petitioner informed Barrett in July 2024 that she had recently moved to the Lexington Court address, S.F.’s lease addendum identifying petitioner as a tenant was not signed by the parties until December 2024—just after the district conducted surveillance in November 2024 and issued an Initial Notice of Ineligibility concluding that petitioner did not reside in Holmdel.

Additionally, petitioner offered confusing and conflicting testimony about when she moved to Lexington Court from Ashley Drive. She initially testified that she did not know the exact date, and that “the move took some time,” but then said that she “started moving” at the end of M.W.’s kindergarten year in 2023. Transcript of September 16, 2025, pp. 59, 79-80. She then testified that she lived at Lexington Court for the entire 2023-2024 school year. *Id.* at 79-80. She later testified that she moved to Lexington Court in July 2024. *Id.* at 83. Then, when confronted with the leasing paperwork she supplied to the district which reflects that S.F. leased

the Lexington Court property beginning in October 2023, A.W. testified that she “started moving sooner” than July 2024 and that the move took “super long.” *Id.* at 85. She then testified that she was sleeping at Ashley Drive as of October 2023 and waited until the end of the 2023-2024 school year to move to Lexington Court. *Id.* at 86. When considering the record as a whole, the Commissioner agrees with the ALJ that petitioner has not established by a preponderance of evidence that she is domiciled in Holmdel.

Petitioner’s exceptions are unavailing and do not provide a reason to reject the Initial Decision in its entirety. As reflected therein, the ALJ acknowledged and considered the testimony and documents offered by petitioner. However, the ALJ concluded that petitioner’s evidence was not sufficient to establish that she was domiciled in Holmdel during the 2023-2024 and 2024-2025 school years. As noted, the ALJ found that the testimony of petitioner and S.F. was less credible than that of the Board’s witnesses. Notably, petitioner’s exceptions do not address the inconsistencies within petitioner’s own testimony which contributed to the ALJ’s credibility findings and ultimate conclusion in this matter.

As for the ALJ’s finding that Fantazir and his wife observed petitioner driving M.W to the bus stop from outside the community on a daily basis, the Commissioner agrees with petitioner that it is not entirely accurate and will be disregarded. Instead, the Commissioner adopts the following factual findings taken directly from Fantazir’s testimony. The transcript reflects that Fantazir testified that petitioner and her child “were always there before us and always in a car waiting for the bus.” Transcript of September 16, 2025, p. 106. His testimony reflects that he and his wife observed petitioner and M.W. inside a vehicle while they were standing at the bus stop with their daughter from the beginning of the 2024-2025 school year until the middle of

November when his daughter stopped taking the bus. *Id.* at 103-106. Fantazir also testified that after his daughter stopped taking the bus, he observed petitioner and A.W. “driving to school not from our neighborhood on multiple occasions.” *Id.* at 110. He further testified that in the three years that he has lived at Lexington Court, he has never seen A.W. playing outside in the neighborhood. *Id.* at 111.

Additionally, with respect to the ALJ’s finding that M.W. complained in school that she had to stay with grandma for two weeks at the beginning of the 2025-2026 school year, that finding was based upon the testimony of Barrett and corroborated by A.W.’s own testimony on the subject. While the finding is clearly supported by the record, the Commissioner agrees with petitioner that it is not relevant to the 2023-2024 and 2024-2025 school years at issue in this case. That, however, is not a reason to reject the Initial Decision in its entirety as the ALJ’s ultimate conclusion is amply supported by the record.

Concerning petitioner’s claim that the ALJ’s finding that she and M.W. stay at petitioner’s father’s home in Hazlet during part of the week is misleading, the Commissioner disagrees. This finding is based upon petitioner’s own testimony, and it is appropriate for the ALJ to consider this relevant information as part of the record and to give it whatever weight he deems appropriate. Although the district assumed that petitioner and M.W. were living at a different residence in Hazlet on Franciscan Court based upon its surveillance, the fact that the district did not ultimately prove where they were living is irrelevant. The burden of proof lies with petitioner, not respondent, to establish domicile in Holmdel. *D.L., 366 N.J. Super. at 273 (quoting N.J.S.A. 18A:38-1(b)(2)).*

Finally, to the extent the ALJ made a typographical error when finding that A.W. (instead of M.W.) was the only Holmdel student claiming to reside at Ashley Drive, the Commissioner finds that error to be harmless.

Turning to the issue of tuition, pursuant to *N.J.A.C. 6A:22-6.2(a)*, “the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student’s ineligible attendance in a school district prior to the appeal’s filing and including the 21-day period to file an appeal.” *N.J.S.A. 18A:38-1(b)* provides that the Commissioner may order tuition “computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance.” Because the record lacks a certification regarding the per pupil cost of attendance and number of days of M.W.’s ineligible attendance, the Commissioner is unable to assess tuition against petitioner.

Accordingly, the Board’s motion for summary decision is granted, and petitioner’s residency appeal is hereby dismissed. The matter is remanded to the OAL for further proceedings to develop the factual record regarding the per pupil cost and number of days of M.W.’s period of ineligible attendance so that the tuition amount owed may be calculated.

IT IS SO ORDERED.



COMMISSIONER OF EDUCATION

Date of Decision: April 15, 2026  
Date of Mailing: April 15, 2026



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

**INITIAL DECISION**

OAL DKT. NO. EDU 04976-25

AGENCY DKT. NO. 61-3/25

**A.W. ON BEHALF OF MINOR**

**CHILD, M.W.,**

Petitioner,

v.

**TOWNSHIP OF HOLMDEL BOARD OF**

**EDUCATION,**

Respondent.

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**Danielle Antoine**, Esq., for petitioner (South Jersey Legal Services, Inc.)

**Kyle J. Trent**, Esq., for respondent (Apruzzese, McDermott, Mastro and Murphy,  
P.C., attorneys)

Record Closed: October 20, 2025

Decided: January 20, 2026

BEFORE **MICHAEL R. STANZIONE**, ALJ:

**STATEMENT OF THE CASE**

The petitioner, parent of minor child A.W., challenges the respondent's residency determination. In a residency appeal, under N.J.S.A. 18A:38-1(b)(2), the parent has the burden of proof to show by a preponderance of the evidence that the parent's minor child

or minor children were domiciled in the school district. Has the petitioner shown by a preponderance of the evidence that A.W. was domiciled in the school district for both the 2023–2024 and 2024–2025 school years? No. The petitioner provided no testimony or documentary evidence to show that A.W. was domiciled in the school district during that time.

### **PROCEDURAL HISTORY**

Between July 2024 and November 2024, Holmdel received multiple reports from concerned persons that A.W. did not reside in Holmdel and was falsely using a Holmdel address for school enrollment purposes while living and driving M.W. to Holmdel school bus stops for school transportation from outside of the community. R-2; R-5; R-7. Holmdel initiated an investigation based on those reports and determined that A.W. and M.W. did not reside in Holmdel, as previously represented for school registration purposes. R-10; R-11. Holmdel notified A.W. in December 2024 that, as a result of its investigation and determination, it intended to remove M.W. from the Holmdel schools. R-10; R-11. A.W. requested a Board hearing to challenge that determination, which was held on January 22, 2025. R-13. Following that Board hearing, the Board also determined that A.W. and M.W. did not reside in Holmdel and that M.W. be removed from Holmdel's schools. Ibid.

A.W. appealed to the Board's decision to the Commissioner of Education. The Commissioner transmitted the matter to the Office of Administrative Law as a contested case. On April 30, 2025, June 12, 2025, and August 19, 2025, prehearing conferences were held over the telephone to discuss hearing availability dates, the nature of the proceeding, issues to be resolved and any unique evidentiary problems. The hearing was scheduled and held on September 16, 2025, and the record remained open for post-hearing submissions until October 20, 2025.

### **FINDINGS OF FACT**

Having reviewed and considered the testimony and the documentary evidence presented at the hearing, the following is undisputed, and I **FIND** as **FACTS** in this matter:

1. A.W. is the mother of M.W., who attends Holmdel's Village Elementary School.
2. A.W. grew up in Holmdel as a child and attended Holmdel schools while living with her parents in Holmdel.
3. A.W.'s father now resides in Hazlet, where her daughters, including M.W., stay with him at least part of each week.
4. A.W. registered M.W. to attend school in Holmdel for the 2023–2024 school year based on representation and documentation that she resided at Ashley Drive in Holmdel with S.F. S.F. is M.W.'s grandmother and A.W.'s mother. R-17; R-1.
5. A.W. was the only Holmdel student claiming to reside at Ashley Drive at the time.
6. S.F. signed documentation reflecting that A.W. lived with her at Ashley Drive on August 22, 2023. R-17
7. During July 2024, Holmdel received written correspondence reporting that A.W. did not live at Ashley Drive in Holmdel and that this was a case of “students residing in Hazlet Township who appear to be enrolled in Holmdel schools by listing the address of a relative. R-2.
8. The observation of the July 2024, complaint reporting “a young lady would drop off children at the residence in the morning for pick-up by the school district bus. Ibid.
9. Principal Tricia Barrett contacted A.W. to confirm Holmdel had accurate and up-to-date residency documentation. R-3.
10. When contacted, A.W. updated her address to Lexington Court and wished to continue M.W.'s enrollment with that address. R-3.
11. A lease was provided from S.F. for a three-bedroom apartment at Lexington Court, Holmdel, effective October 20, 2023. R-4.
12. S.F. again signed notarized paperwork attesting to the fact that A.W. and M.W. resided with her at Lexington Court on August 7, 2024. R-4.
13. The paperwork was accepted, and M.W. was permitted to attend Holmdel schools for the 2024–2025 school year.

14. October 2024, Holmdel received written correspondence again reporting that A.W. lived in Hazlet and was falsely using a Holmdel address. R-5.
15. November 2024, parents of a student who lived in Lexington Court reported both verbally and in writing that A.W. did not live in the Lexington Court community and that M.W. drove her to the bus stop each morning.
16. Holmdel's school security specialist, Frank Papalia, conducted surveillance and wrote a memo to the superintendent regarding his observations. P-5.
17. Mr. Papalia conducted surveillance at Lexington Court.
18. On November 13, 2024, Mr. Papalia observed A.W. entering the Lexington Court community from the main road and parking near the bus stop in a black SUV. M.W. exited the vehicle and went directly to the school bus. P-5.
19. On November 18, 2024, Mr. Papalia observed A.W. driving a cream-colored SUV from the main road. M.W. remained in the SUV until the bus arrived a few minutes later. M.W. exited from the rear of the vehicle and went directly to the school bus. P-5.
20. On November 27, 2024, Mr. Papalia conducted surveillance at a residence on Franciscan Way in Hazlet. He observed A.W. exit the residence with M.W. at 7:54 am, and they entered the same cream-colored SUV he observed at the Lexington Court bus stop on November 18, 2024. School records confirmed that A.W. arrived at school on time via the bus from the Lexington Court community on November 27, 2024. P-5.
21. As a result of the complaints and the investigation, Holmdel determined A.W. and M.W. did not reside in Holmdel, and A.W. would be removed from Holmdel schools. R-10; R-11.

### **Testimony**

#### **For the petitioner:**

**S.F.** is the mother of A.W. and the grandmother of M.W. She indicated that A.W. and M.W. continue to live with her at Lexington Court and will continue to do so indefinitely.

**A.W.** confirmed that she is currently registered to vote and resides at Lexington Court. She clarified that on the days of Mr. Papalia's surveillance, she was coming from Panera. She even took a picture of her daughter holding a cookie they bought there. P-6. She takes her daughter to Panera almost every morning before school.

**Donna Hornacek** lives at Franciscan Way in Hazlet. She knows A.W., as her daughter has been friends with A.W. for a long time. A.W. has never lived with D.H.

**For the respondent:**

**Travis Fantazir** is a parent and neighbor in the Lexington Court neighborhood. He lives there with his wife and daughter, who attends school with M.W. Travis Fantazir's daughter took the bus from Lexington Court with M.W. for multiple months during the 2024–2025 school year. During that time, Travis Fantazir and his wife observed A.W. driving M.W. to the bus stop from outside the community on a daily basis. Travis Fantazir knows other students taking the bus from the Lexington Court community and has seen those children playing outside. He never observed M.W. playing outside.

**Principal Barrett** stated that during the initial weeks of the 2025–2026 school year, M.W. was complaining in school and was upset with A.W. because they had to stay with grandma for two weeks.

**Additional Findings**

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of the respondent's witnesses during their testimony. Their testimony did not waver and came off as truthful concerning their personal observations and fact-based findings.

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of the petitioner and her witnesses during their testimony. They comported themselves in a manner that suggested they were less credible. They did not offer any

testimony to suggest that the thorough investigation carried out by the district was insufficient. Petitioner and her witnesses just reiterated what the ID and voter registration stated without showing any evidence to refute the observations of respondent's investigator. Given the absence of persuasive evidence of her residency in the Lexington Court community, I cannot afford her testimony or the testimony of her witnesses equal weight to that of respondent's witnesses.

Having considered the testimony and documentary evidence and the credibility of the witnesses, I **FIND** as **FACT** that the petitioner did not reside at Lexington Court in Holmdel. I **FIND** as **FACT** that the petitioner was driving her daughter to the bus stop on a regular basis.

## **LEGAL ANALYSIS AND CONCLUSIONS**

### **CONCLUSIONS OF LAW**

At issue is whether M.W. was entitled to a free education under N.J.S.A. 18A:38-1, which provides that public schools shall be free to persons over five and under twenty years of age who are "domiciled within the school district." 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 person who meets age requirements and is domiciled within a school **district** may attend its public schools free of charge. N.J.S.A. 18A:38-1(a). A person may have many **residences** but only one domicile. 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). A child's domicile is normally that of his or her parents. Ibid. The domicile of a person is the place where he has his true, fixed, permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning, and from which he has no present intention of moving. In re Unanue, 255 N.J. Super. 362, 374 (Law Div. 1991), aff'd, 311 N.J. Super.

589 (App. Div. 1998), certif. denied, 157 N.J. 541 (1998), cert. denied, 526 U.S. 1051 (1999).

The acts, statements and conduct of the individual, as viewed in the light of all the circumstances, determine a person's true intent. Collins v. Yancey, 55 N.J. Super. 514, 521 (Law Div. 1959). The parent has the burden of proof by a preponderance of the evidence. N.J.S.A. 18A:38-1(b)(2).

The record reflects that M.W. attended school in the District for the 2023–2024 and 2024–2025 school years while domiciled outside of the District. Accordingly, I **CONCLUDE** that M.W. was not entitled to a free public education in the District. N.J.S.A. 18A:38-1(b)(1) provides that when the evidence does not support the claim of the resident, the resident shall be assessed tuition “for the student prorated to the time of the student's ineligible attendance in the school district. Tuition shall be computed based on 1/180 of the total annual per-pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the commissioner are enforced.” Accordingly, I **CONCLUDE** that the Board is entitled to reimbursement for tuition by the petitioner.

### **ORDER**

I **ORDER** that the petitioner's residency appeal is **DISMISSED** with prejudice.

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**. Exceptions may be filed by email to [ControversiesDisputesFilings@doe.nj.gov](mailto:ControversiesDisputesFilings@doe.nj.gov) or by mail to **Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

January 20, 2026  
\_\_\_\_\_  
DATE

  
MICHAEL R. STANZIONE, ALI

Date Received at Agency: January 20, 2026  
\_\_\_\_\_

Date Mailed to Parties:  
\_\_\_\_\_

**APPENDIX**

**Witnesses**

**For petitioner:**

S.F.  
Frank Papalia  
Donna Hornacek  
A.W.

**For Respondent:**

Travis Fantazir  
Tricia Barrett

**Exhibits**

**For petitioner:**

P-4 Correspondence from the Superintendent of Elections  
P-5 Memo from Frank Papalia to Dr. Scott Cascone, Superintendent  
P-6 Photograph, dated November 13, 2024  
P-7 Photograph, dated November 27, 2024  
P-8 Email from Donna Hornacek to Superintendent Scott Cascone  
P-9 Monmouth County Rental Assistance/Continuum of Care Acknowledgment  
Form and attachments

**For respondent:**

R-1 2023 Driver's License (redacted) & Voter Registration  
R-2 July 2024, letter from "Neighbors of 23 Ashley Drive"  
R-3 July 31, 2024, email correspondence with attachment  
R-4 August 8, 2024, email correspondence with attachments  
R-5 October 2024, letter from "Neighbors of 23 Ashley Drive" with envelope

- R-7 November 27, 2024, email correspondence from concerned parent
- R-10 December 2, 2025, Superintendent letter
- R-11 December 16, 2025, Notice of Initial Determination of Ineligibility
- R-12 January 9, 2025, Board Appeal Confirmation Letter
- R-13 January 30, 2025, Correspondence, re: Final Determination
- R-14 November 2024 text messages
- R-15 Lease addendum
- R-16 Petitioner's response to respondent's first set of interrogatories to petitioner.
- R-17 Leasing document

The nonsequential numbering of exhibits reflects the fact that numerous pre-marked exhibits were neither identified nor offered into evidence.