

New Jersey Commissioner of Education
Final Decision

K.L., on behalf of minor child, J.L.,

Petitioner,

v.

Board of Education of the Township of Howell,
Monmouth 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 the Board's motion for summary decision, which was not opposed by petitioner, should be granted for the reasons stated in the Initial Decision.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹


COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2026
Date of Mailing: January 27, 2026

¹ 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

SUMMARY DECISION

OAL DKT. NO. EDU 12675-25

AGENCY DKT. NO. 213-6/25

K.L. ON BEHALF OF MINOR CHILD, J.L.,

Petitioners,

v.

THE TOWNSHIP OF HOWELL

BOARD OF EDUCATION,

MONMOUTH COUNTY,

Respondent.

K.L., petitioner, appearing pro se

Janice V. Arellano, Esq., for respondent (Cleary, Giacobbe, Alfieri, Jacobs, LLC,
attorneys)

Record Closed: November 28, 2025

Decided: December 15, 2025

BEFORE **MAMTA PATEL**, ALJ:

STATEMENT OF THE CASE

K.L. and her minor child, J.L., reside in Howell Township, and during the 2024-2025 school year, J.L. attended Ramtown in Howell. In June 2025, K.L. enrolled J.L. at the H.W. Mountz Elementary School in Spring Lake Borough despite assurances that there was no mold issue at Ramtown. K.L. seeks tuition reimbursement from the Howell School District. Must Howell pay J.L.'s tuition? No. With few exceptions, students are entitled to a free public education only in their district of domicile. N.J.A.C. 6A:22-3.1.

PROCEDURAL HISTORY

During the 2024–2025 school year, J.L. was enrolled in kindergarten at Ramtown Elementary School. Sometime before June 2, 2025, K.L. unilaterally transferred J.L. to H.W. Mountz Elementary School (H.W. Mountz) in Spring Lake Borough due to her concern about mold at Ramtown. On June 9, 2025, K.L. emailed Howell School District (District) administrators Joseph Isola, superintendent; Ronald Sanasac, assistant superintendent of Business and Administration; and Albert Bohrer, principal of Ramtown, informing them that J.L. had been accepted to H.W. Mountz and requesting that Howell cover the annual cost of \$5,200 for J.L. to attend H.W. Mountz. On June 13, 2025, Sanasac denied K.L.'s tuition request.

On June 24, 2025, K.L. filed a petition of appeal on behalf of J.L. with the Department of Education (DOE), claiming that Ramtown failed to adequately address K.L.'s mold concerns and denied her request for tuition.

On July 14, 2025, respondent, the Howell Township Board of Education (the Board), filed its answer, denying the allegations and requesting dismissal of the petition.

On July 15, 2025, the DOE transmitted this case to the Office of Administrative Law (OAL) as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-

1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On August 15, 2025, K.L. filed a motion for discovery, specifically, to compel the Board to conduct air sampling and a mold investigation at Ramtown. On August 27, 2025, the Board responded with a certification from Jimmy Rappleyea, director of Buildings and Grounds/Maintenance, indicating the HVAC and inspections showed no signs of mold. On September 3, 2025, K.L. filed her reply. On October 1, 2025, I denied K.L.'s request for discovery because, under school law, the Commissioner of Education lacks jurisdiction (and by extension, so do I) to order air sampling and mold testing at Ramtown.

On October 29, 2025, the Board filed a motion for summary decision. I left the record open until November 28, 2025, to allow K.L. ample time to respond. To date, the motion remains unopposed.

FINDINGS OF FACT

Based on the documents submitted in support of and in opposition to the motion for summary decision, I **FIND** the following as **FACT** for purposes of this motion only:

K.L., the parent of J.L., resides in Howell Township. J.L. started kindergarten at Ramtown on September 9, 2024. J.L. missed several days between September 2024 and April 2025 due to illnesses such as pneumonia, COVID-19 and influenza. On March 7, 2025, a hospital conducted a respiratory allergy panel, which showed that J.L. had elevated antibodies to *Alternaria alternata*, a specific type of mold.

On April 21, 2025, K.L. emailed Superintendent Isola to inform him that J.L. had experienced pneumonia three times due to three different rhinoviruses, flu A and B, COVID-19 and norovirus. K.L. also told Isola that an allergy panel showed that J.L. was allergic to certain trees and grasses, with the strongest reaction to *Alternaria alternata*, and requested that Ramtown conduct mold testing.

On April 22, 2025, Isola responded to K.L. and copied Sanasac and Rappleyea, stating that they would review her concerns and follow up.

On April 22, 2025, Sanasac responded to K.L., citing a preliminary Indoor Air Quality (IAQ) report and previous testing showing no issues at Ramtown.

In response to K.L.'s concerns, Rappleyea confirmed that: (1) on April 25, 2025, he personally inspected the moisture level in J.L.'s kindergarten room and found no moisture; (2) the HVAC units in each classroom are computer controlled and send alarms when repairs or maintenance are needed; (3) J.L.'s kindergarten room had a clean filter, which was recently changed on March 13, 2025, along with a clean coil; (4) the maintenance staff cleans the coils every summer, and also changes the filters every three months and (5) the school's HVAC systems are properly maintained and meet the relevant standards. Additionally, Rappleyea certified that an inspector from the Monmouth County Health Department conducted an inspection on June 11, 2025, in response to K.L.'s complaint and found no mold or microbial contamination in J.L.'s classroom or surrounding areas, including the playground.

On April 23, 2025, K.L. hired mold specialists to perform air sampling and a visual inspection of her home. Lab results showed no mold spores in indoor or outdoor samples from the house.

On May 2, 2025, K.L. sent another email to the Howell administration requesting that air samples be taken at Ramtown by a licensed professional. K.L. also stated that J.L. wouldn't return to Ramtown until the testing was complete and she was assured that it was safe for J.L. to return to school.

On May 2, 2025, Sanasac sent K.L. a follow-up email with an update on Ramtown's IAQ process and informed her that he had consulted their environmental consultant and

the school's physician. Sanasac told K.L. that they found no evidence of mold and that the school physician's review of J.L.'s diagnosis was not related to mold.

Later that same day, Sanasac sent K.L. another email asking K.L. to provide a signed release authorizing the school physician to speak directly with J.L.'s doctor and copied the school physician on the email.

On May 9, 2025, after peer-to-peer consultation between J.L.'s doctors and the district physician, K.L. was informed that the District found no need for further action and denied homebound instruction.

On June 2, 2025, K.L. enrolled J.L. at H.W. Mountz School in Spring Lake for first grade. On June 13, 2025, K.L. requested that the District reimburse J.L.'s out-of-district tuition for not accommodating her medical needs. During the 2025–2026 school year, K.L. continues to live in Howell with J.L.

On June 13, 2025,—the same date—Sanasac responded to K.L., informing her that although Howell determined that there was no need to accommodate J.L., the District offered accommodations as a courtesy. Sanasac also denied K.L.'s request for tuition because she made a unilateral decision to disenroll J.L. from Ramtown, even though J.L. is still eligible to attend.

K.L. never requested that Ramtown conduct a 504 evaluation with Ramtown's child study team to determine if J.L. had a disability that substantially limited a major life activity that necessitated a 504 plan.

CONCLUSIONS OF LAW

A party may move for summary decision upon any or all substantive issues in a contested case. N.J.A.C. 1:1-12.5(a). The motion for summary decision shall be served with briefs and may be served with supporting affidavits. Ibid. "The decision sought may

be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b). In this case, no genuine issues of material fact exist, and the Board is entitled to prevail as a matter of law.

Domicile

Public school shall be free to a minor who is domiciled within the school district, N.J.S.A. 18A:38-1(a); New Jersey has consistently held that the domicile of the child follows the domicile of the parent, Shim v. Rutgers, 191 N.J. 374, 399 (2007).

At the time J.L. attended Ramtown, K.L. and J.L. were residents of Howell Township, and they continue to reside there. Therefore, I **CONCLUDE** that J.L. is entitled to a free public education only in the Howell School District.

Exceptions

With few exceptions, students are entitled to a free public education only in their district of domicile. N.J.A.C. 6A:22-3.1.

In this case, K.L. has not provided any facts showing that J.L. qualifies for any exceptions. K.L. chose to unilaterally disenroll J.L. from Ramtown and enroll her in H.W. Mountz in Spring Lake Borough. Therefore, I **CONCLUDE** that Howell is not responsible for paying J.L.’s tuition to attend H.W. Mountz in Spring Lake Borough.

Lastly, K.L. alleges violations of federal laws, including Title I, Section 1003; Title IV, Part A, Student Support and Academic Enrichment Grants; Part D, Safe and Healthy Schools and Title IX, which prohibits discrimination based on sex, of the Every Student Succeeds Act (ESSA). The ESSA does not provide relief through professional mold inspections or cover costs for out-of-district placements. K.L. also claims violations of

Section 504 of the Rehabilitation Act of 1973; however, J.L. has not been diagnosed with a disability that limits one or more areas of daily living.

Based on the above, I **CONCLUDE** that no genuine issues of material fact exist and the Board is entitled to prevail as a matter of law.

ORDER

For the reasons set forth above, I **ORDER** that Howell Township Board of Education's motion for summary decision is **GRANTED**, and K.L. on behalf of J.L.'s petition of appeal is **DISMISSED**.

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 under 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 or by mail to the 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.

December 15, 2025

Date



MAMTA PATEL, ALJ

Date Received at Agency:

Date Mailed to Parties:

MP/jm

APPENDIX

Witnesses

For petitioner:

None

For respondent:

None

Exhibits

For petitioner:

Petition of Appeal

For respondent:

Motion for Summary Decision

Certification of Janice V. Arellano, Esq.

Exhibit A Petitioner's Petition of Appeal, dated June 24, 2025

Exhibit B Respondent's Answer, dated July 14, 2025

Exhibit C Certification of Jimmy Rappleyea, dated August 27, 2025

Exhibit D J.L.'s Attendance Overview

Exhibit E Letter Order from ALJ Mamta Patel, dated October 1, 2025