

247-26
OAL Dkt. No. EDU 02031-25
Agency Dkt. No. 404-12/24

New Jersey Commissioner of Education
Final Decision

A.D., on behalf of minor children, D.D., J.D.,
A.H., R.D., J.D. and K.D.,

Petitioner,

v.

Board of Education of the Township of
Cinnaminson, Burlington 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.

Petitioner initially challenged a December 18, 2024, determination by respondent Board of Education of the Township of Cinnaminson (Board) that she and her children were not domiciled in the district and were therefore not entitled to a free public education in the district. However, as explained in the Initial Decision, petitioner abandoned her appeal during the OAL proceedings. Thereafter, the Administrative Law Judge (ALJ) held a hearing for purposes of addressing the Board's tuition claim in which she took testimony from Frank Goulburn, Ed.D., Director of Curriculum and Instruction, whose duties include overseeing Board residency matters.

The ALJ made findings of fact based upon Goulburn’s testimony and exhibit R-20, which contained information regarding the Board’s annual tuition rates for each grade level. Ultimately, the ALJ concluded that petitioner owed the Board \$250,329.25 in tuition for the 2024-2025 and 2025-2026 school years for the periods of her children’s ineligible attendance. This amount included the cost of special education placement tuition for two of the minor children, J.D. and J.D.

Upon review, the Commissioner concurs with the ALJ that petitioner has abandoned her appeal and failed to establish, by a preponderance of evidence, that she was domiciled in the district during the 2024-2025 and 2025-2026 school years. Consequently, petitioner owes tuition to the Board pursuant to *N.J.S.A. 18A:38-1(b)* and *N.J.A.C. 6A:22-6.2(a)(1)* for her children’s ineligible attendance at school in the district. However, the Commissioner rejects the ALJ’s method of calculating the tuition owed by petitioner and concludes that the total tuition owed—as more fully explained below—is \$152,523.60, not \$250,329.25, because an individual student’s special education costs must be excluded from the calculation.

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 the student 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)*).

With respect to tuition, pursuant to *N.J.A.C. 6A:22-6.2(a)*, if “petitioner does not sustain the burden of demonstrating the student’s right to attend the school district . . . or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, 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.” However, the Board’s ability to recover tuition from petitioner is limited. *N.J.-B. v. Bd. of Educ. of Twp. of Union*, Commissioner Decision No. 112-20 (Apr. 24, 2020), at 2.

N.J.S.A. 18A:38-1(b) provides that if the evidence does not support the parent’s claim of residency, the Commissioner shall assess 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.” *Ibid.* “The statute does not specify that the assessed tuition be equal to the actual costs incurred by the district for educating the student at issue. Instead, it uses the measure of annual per pupil cost, which is based on the district’s overall costs and enrollment and is not specific to any individual student.” *N.J.-B.*, at 2. See *N.J.A.C. 6A:22-6.3(a)* (explaining that tuition “shall be calculated on a per-student basis for the period of a student’s ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of *N.J.A.C. 6A:23A-17.1*”); *Bd. of Educ. of Bordentown Reg’l Sch. Dist. v. Marini*, Commissioner Decision No. 202-23 (July 6, 2023) at 10 (citing *N.J.-B.* for the proposition that “tuition reimbursement is

limited to 1/180 of the per pupil cost and does not include the assessment of special education and related costs”).

Based upon the ALJ’s undisputed findings of fact and the tuition information supplied by the Board within exhibit R-20, the Commissioner concludes that petitioner’s obligation to pay tuition for each child is as follows:

	2024-2025 annual per pupil cost	# of days ineligible attendance	2024-2025 tuition owed	2025-2026 annual per pupil cost/per diem cost	# of days ineligible attendance	2025-2026 tuition owed	TOTAL
D.D. ¹ (high school)	\$18,741	180	\$18,741	\$18,465 (\$102.58/day)	180	\$18,465	\$37,206
J.D. (high school)	\$18,741	180	\$18,741	\$18,465 (\$102.58/day)	45	\$4616.10	\$23,357.10
J.D. (middle school)	\$18,350	180	\$18,350	\$18,500 (\$102.77/day)	45	\$4624.65	\$22,974.65
A.H. (middle school)	\$18,350	180	\$18,350	\$18,500 (\$102.77/day)	45	\$4624.65	\$22,974.65
R.D. (middle school)	\$18,350	180	\$18,350	\$18,500 (\$102.77/day)	45	\$4624.65	\$22,974.65
K.D. (elementary school)	\$18,384	180	\$18,384	\$18,611 (\$103.39/day)	45	\$4652.55	\$23,036.55
TOTAL DUE			\$110,916			\$41,607.60	\$152,523.60

Accordingly, the Initial Decision, as modified for the reasons explained herein with respect to the tuition owed, is adopted as the final decision in this matter and the petition of appeal is dismissed. The Board is entitled to payment of tuition from petitioner in the amount of

¹ According to the record, the Board permitted D.D., a high school senior, to attend school in the district through the end of June 2026. Petitioner withdrew the other children from the district on November 3, 2025.

\$152,523.60 for her children's periods of ineligible attendance during the 2024-2025 and 2025-2026 school years.

IT IS SO ORDERED.²



COMMISSIONER OF EDUCATION

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

² 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 02031-25

AGENCY DKT. NO. 404-12/24

A.D. ON BEHALF OF MINOR CHILDREN

D.D., J.D., A.H., R.D., J.D., and K.D.,

Petitioners,

v.

**TOWNSHIP OF CINNAMINSON BOARD OF
EDUCATION, BURLINGTON COUNTY,**

Respondent.

A.D., petitioner, pro se

Alicia D’Anella, Esq., for respondent (Gorman, D’Anella & Morlok, LLC, attorneys)

Record Closed: April 17, 2026

Decided: May 5, 2026

BEFORE **MAMTA PATEL**, ALJ:

STATEMENT OF THE CASE

Petitioner, A.D., did not appear for her residency appeal hearing and failed to demonstrate that her children have the right to a free public-school education in the Cinnaminson School District, thereby abandoning her appeal. Is A.D. responsible for tuition? Yes. Tuition may be assessed during the hearing and appeal period, covering

up to one year of ineligible attendance before filing, including the twenty-one-day period to file an appeal. N.J.A.C. 6A:22-6.2(a)(1).

PROCEDURAL HISTORY

On December 27, 2024, A.D., petitioner mother of minor children D.D., J.D., A.H., R.D., J.D., and K.D., filed a petition of appeal from respondent Cinnaminson Township Board of Education's (Board) determination dated December 18, 2024, which found that she was not domiciled in the school district and, therefore, her children were ineligible to attend the Cinnaminson Township public schools. On January 21, 2025, the Board filed an answer, including a request for an order requiring A.D. to pay tuition for each minor child for each day of ineligible attendance.

On January 27, 2025, the Office of Controversies and Disputes of the Department of Education (DOE) transmitted the case to the Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, 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.

After several delays based on A.D.'s representation that she was retaining counsel, which she never did, I advised the parties to begin exchanging discovery. During several case-management conferences with the parties, the Board's counsel advised me that A.D. was not adequately responding to the Board's discovery requests. A.D. was advised several times to respond to those requests. Finally, I set a deadline of August 21, 2025. By that deadline, A.D. failed to provide the Board with sufficient discovery, including answers to interrogatories and responses to document requests. On August 25, 2025, the Board moved for sanctions, seeking either dismissal of A.D.'s appeal or exclusion of any information not provided during discovery at the hearing. On September 10, 2025, I ordered that A.D. be precluded from introducing any evidence at the hearing that was not previously disclosed to the Board by the August 21, 2025, deadline, under N.J.A.C. 1:1-14.14.

On September 18, 2025, I issued an Amended Prehearing Order that incorporated the August 21, 2025, order and scheduled hearing dates for October 28 and 29, 2025, with hearing binders due October 14, 2025. A.D. did not submit a binder.

On October 23, 2025, A.D. advised this tribunal and counsel for the Board that she was relocating, including signing a lease in another school district, and that she would be withdrawing her children from school on November 3, 2025. On that same date, A.D. and a Board representative signed a settlement agreement under which A.D. agreed to withdraw her appeal, and, in exchange, the Board agreed to withdraw its claim for tuition and allow D.D., a senior, to finish the school year. The agreement was placed on the record during a virtual hearing on October 31, 2025, at which A.D. was subject to voir dire to ensure she understood the agreement and to confirm her representations regarding relocation. The settlement agreement was contingent upon approval by the full Board at its next meeting on November 18, 2025.

By letter dated November 12, 2025, the Board advised this tribunal that it had been contacted by the school district to which A.D. had represented she was relocating. That district informed the Board that A.D. was seeking enrollment under the McKinney-Vento Homeless Assistance Act as a family in transition, which was inconsistent with A.D.'s representations in the settlement agreement and during the Zoom conference, when she stated that she had secured a lease in the new school district. Her enrollment under McKinney-Vento carried potential financial implications for the Board that were not contemplated at the time of the settlement. Accordingly, the Board did not approve the settlement agreement.

Subsequently, on February 17, 2026, and March 18, 2026, I scheduled two in-person conferences to seek clarification regarding A.D.'s whereabouts and prior representations to this tribunal about signing a lease in another school district.

On March 19, 2026, A.D. emailed this tribunal, stating that all her children, except the oldest, D.D. (who had permission from the Board to remain), had been withdrawn from Cinnaminson schools, and that her school schedule did not allow her to attend the

hearing dates set by this tribunal. A.D. further indicated that, because the children were no longer enrolled, she did not feel it necessary to appear at the hearing.

I scheduled the hearing for April 16, 2026. A.D. failed to appear, and the hearing was held in absentia. During the hearing, the Board presented evidence related to the tuition owed by A.D. and moved for a ruling that A.D. had abandoned her appeal. A.D. was given twenty-four hours to explain her absence. On April 17, 2026, after failing to hear from A.D., I closed the record.

FINDINGS OF FACT

Given the testimony provided by Dr. Frank Goulburn, Ed.D., and my assessment of its credibility, together with the documents the parties submitted, and my assessment of their sufficiency, I **FIND** the following as **FACT**:

1. Frank Goulburn, Ed.D., is the director of Curriculum and Instruction for the Board, whose duties include overseeing residency matters. The Board has employed Goulburn for the past eight years. He is familiar with A.D.'s children, their academic placements, and the Board's approved tuition rates.
2. In September of the 2021–2022 school year, A.D. enrolled four of her six children, D.D., J.D., A.H., and R.D., in the Cinnaminson School District. At the time, A.D. signed the Host Family Affidavit, stating that they were residing with her sister, R.D., because they were unable to find a house. R.D. also signed the affidavit, affirming that A.D. and the children were living with her at 701 P. Street, Cinnaminson, New Jersey.
3. In September of the 2022–2023 school year, A.D. also enrolled two additional children, K.D. and J.D., in the Cinnaminson School District. Again, A.D. signed the Host Family Affidavit, stating that they were residing with her sister, R.D., because they were unable to find a house. R.D. also

signed the affidavit, affirming that A.D. and the children were living with her at 701 P. Street, Cinnaminson, New Jersey.¹

4. Beginning in the fall of 2023, several teachers and administrators reported to him that several of A.D.'s children began making statements to them that cast doubt on their residency in Cinnaminson.
5. Goulburn was advised that the children stated that their mother lived in Trenton, New Jersey. One of the children reported their address as 1010 S. Street, Trenton, which matched the prior address listed in the enrollment records.² The children also reported taking the train to and from Cinnaminson and Trenton.
6. An investigation, including surveillance, confirmed that a vehicle registered to A.D. was observed parked at 1010 S. Street on several occasions in 2024 and 2025. A.D. and the children were seen at the Trenton residence. The investigation also included observing the children walking to and from the New Jersey Transit River Line Light Rail, which runs from Trenton to Camden and has a stop in Cinnaminson.
7. On December 9, 2024, the Cinnaminson School District sent A.D. a letter advising her that it had determined she was not domiciled in the school district, and that if she accepted the decision, the children needed to be withdrawn from the school, or she could challenge the decision at a hearing before the Board.
8. On December 17, 2024, A.D. appeared before the Board and presented her case. On December 18, the Board issued its decision finding that A.D. was not domiciled in the Cinnaminson School District.

¹ The letter P is used to replace the actual street name to maintain the privacy of the residents.

² The letter S is used to replace the actual street name to maintain the privacy of the residents.

9. Goulburn attends Board meetings and is familiar with the tuition rates approved by the Board for both general education and special education.
10. D.D., J.D., A.H., R.D., J.D., and K.D. were enrolled in the Cinnaminson School District for the 2024–2025 and 2025–2026 school years, through November 3, 2025, when A.D. withdrew J.D., A.H., R.D., J.D., and K.D. from the school district. D.D., a senior, was permitted to remain in the school.
11. The 2024–2025 and 2025–2026 school years consist of 180 days. Since A.D. withdrew J.D., A.H., R.D., J.D., and K.D. on November 3, 2025, during the 2025–2026 school year, they were enrolled in the Cinnaminson school district for only 45 days.
12. D.D. remains enrolled at Cinnaminson High School. She is presently a senior in the general education program and was a junior during the 2024–2025 school year. The annual tuition rates approved by the Board, applicable to her age and program, are as follows:
 - a. 2024–2025: \$18,741.00;
 - b. 2025–2026: \$18,465.00.
13. The total amount owed for D.D. is \$37,206.00.
14. J.D. was enrolled in Cinnaminson schools as a tenth-grade student until A.D. withdrew him on November 3, 2025. He is classified as multiply disabled and attended Archway Academy during both the 2024–2025 and 2025–2026 school years. J.D. was enrolled for 180 days during the 2024–2025 school year and 45 days during the 2025–2026 school year. The annual tuition rates approved by the Board, applicable to his age and program, are as follows:
 - a. 2024–2025: \$52,608.00;

- b. 2025–2026: \$54,257.00;
 - c. Pro-rated through November 3, 2025: \$13,564.25.
- 15. The total amount owed for J.D. is \$66,172.25.
- 16. J.D. was enrolled in Cinnaminson schools as an eighth-grade student until A.D. withdrew him on November 3, 2025. He is classified as multiply disabled and attended Archway Academy during both the 2024–2025 and 2025–2026 school years. J.D. was enrolled for 180 days during the 2024–2025 school year and 45 days during the 2025–2026 school year. The annual tuition rates approved by the Board, applicable to his age and program, are as follows:
 - a. 2024–2025: \$52,608.00;
 - b. 2025–2026: \$54,257.00;
 - c. Pro-rated, through November 3, 2025: \$13,564.25.
- 17. The total amount owed for J.D. is \$66,172.25.
- 18. A.H. was enrolled in Cinnaminson schools as an eighth-grade student until A.D. withdrew her on November 3, 2025. She is classified with emotional regulation impairment. A.H. was enrolled for 180 days during the 2024–2025 school year and 45 days during the 2025–2026 school year. The annual tuition rates approved by the Board, applicable to her age and program, are as follows:
 - a. 2024–2025: \$28,017.00;
 - b. 2025–2026: \$27,000.00;
 - c. Pro-rated through November 3, 2025: \$6,750.00.

19. The total amount owed for A.H. is \$34,767.00.
20. R.D. was enrolled in Cinnaminson schools as an eighth-grade student until A.D. withdrew her on November 3, 2025. She was placed in a resource room placement. R.D. was enrolled for 180 days during the 2024–2025 school year and 45 days during the 2025–2026 school year. The annual tuition rates approved by the Board, applicable to her age and program, are as follows:
 - a. 2024–2025: \$18,350.00;
 - b. 2025–2026: \$18,500.00;
 - c. Pro-rated through November 3, 2025: \$4,625.00.
21. The total amount owed for R.D. is \$22,975.00.
22. K.D. was enrolled in Cinnaminson schools as a third-grade student until A.D. withdrew her on November 3, 2025. She was a general education student. K.D. was enrolled for 180 days during the 2024–2025 school year and 45 days during the 2025–2026 school year. The annual tuition rates approved by the Board, applicable to her age and program, are as follows:
 - a. 2024–2025: \$18,384.00;
 - b. 2025–2026: \$18,611.00;
 - c. Pro-rated through November 3, 2025: \$4,652.75.
23. The total amount owed for K.D. is \$23,036.75.
24. A.D. failed to appear at the hearing on April 16, 2026.

CONCLUSIONS OF LAW

Public school shall be free to a minor who is domiciled within the school district, N.J.A.C. 6A:22-3.1(a). New Jersey has consistently held that a child's domicile follows the parent's domicile, Shim v. Rutgers, 191 N.J. 374, 399 (2007). Moreover, if a student does not have the right to attend the school district the Commissioner may assess tuition. N.J.A.C. 6A:22-6.2(a). The resident has the burden of proof in a determination of residency ineligibility. N.J.S.A. 18A:38-1.

In this case, based on the facts presented, the Board sent A.D. a letter on December 18, 2024, finding that she was not domiciled in the Cinnaminson School District. A.D. failed to appear and present her case.

Motion on Abandonment

N.J.A.C. 1:1-14.4(a) provides that if, after appropriate notice, a party fails to appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within that one-day period, the judge may direct the Clerk to return the case to the transmitting agency for appropriate disposition.

In this case, on February 17, 2026, and March 18, 2026, this tribunal scheduled in-person conferences, but A.D. failed to appear.

On March 18, 2026, this tribunal sent the parties another notice scheduling a hearing for April 16, 2026. The parties were advised to submit pre-hearing briefs by April 9, 2026. The Board submitted its brief. A.D. did not submit anything.

On March 19, 2026, A.D. emailed this tribunal and wrote that she did not feel it necessary to appear at the hearing because she had withdrawn her children from the Cinnaminson School District.

On April 16, 2026, a hearing was held, during which the Board appeared and presented testimony. On April 16, 2026, A.D. was advised that a hearing had been held and that she needed to explain why she did not appear. A.D. did not respond.

Based on the above, I **CONCLUDE** that A.D. abandoned her appeal contesting her residency. But because the Board is requesting tuition reimbursement, the request to dismiss is **DENIED** under N.J.A.C. 1:1-14.4(a).

Tuition

N.J.A.C. 6A:22-6.2(a)(1) authorizes the Commissioner of Education to assess tuition for non-resident students, prorated to the period of the student's ineligible attendance in the school district, including when a petitioner fails to prosecute or abandons the appeal.

Under N.J.A.C. 6A:22-6.3, tuition is calculated per student during ineligible enrollment, up to one year, by grade/program category. Daily attendance does not impact the calculation.

N.J.A.C. 1:1-14.4(d) provides:

If the appearing party requires an initial decision on the merits, the party shall ask the judge for permission to present ex parte proofs. If no explanation for the failure to appear is received, and the circumstances require a decision on the merits, the judge may enter an initial decision on the merits based on the ex parte proofs, provided the failure to appear is memorialized in the decision.

As discussed above, A.D. abandoned her appeal contesting her residency, which she claimed was in the Cinnaminson School District. In the Board's answer to A.D.'s petition, filed on January 21, 2025, the Board sought reimbursement of tuition.

Given my findings of fact and my conclusion that A.D. abandoned her appeal, I **CONCLUDE** that the Board is entitled to tuition reimbursement for the 2024–2025 school

year for all six children, including D.D., J.D., J.D., A.H., R.D., and K.D., in the amounts of \$18,741.00; \$52,608.00; \$52,608.00; \$28,017.00; \$18,350.00; and, \$18,384.00, respectively, for a total of **\$188,708**. I further **CONCLUDE** that the Board is also eligible for full tuition reimbursement for the 2025–2026 school year for D.D. in the amount of \$18,465.00 for the remainder of the school year, and pro-rated tuition for 45 days of school for J.D., J.D., A.H., R.D., and K.D. in the amounts of \$13,564.25; \$13,564.25; \$6,750.00; \$4,625.00; and \$4,652.75, respectively, for a total of **\$61,621.25**, consistent with N.J.A.C. 6A:22-6.2(a)(1).

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that A.D.'s residency appeal is **DISMISSED** for her failure to appear at the hearing. I further **ORDER** that the Board's claim for tuition reimbursement is **GRANTED**, and that for the 2024–2025 school year, A.D. owes the Board a total of \$188,708. I also **ORDER** that for the 2025–2026 school year, A.D. owes the Board \$61,621.25 for the 45 days J.D., J.D., A.H., R.D., and K.D. remained in school and \$18,465 for the school days attended by D.D., including those beyond the hearing date, for the remainder of the 2025–2026 school year.

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 case. 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** 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.

May 5, 2026

DATE



MAMTA PATEL, ALJ

Date Received at Agency:

Date Mailed to Parties:

MP/jm

APPENDIX

Witnesses

For petitioner

None

For respondent

Franklin Goulburn

Exhibits

For petitioner

None

For respondent

R-20 Excerpt from Board minutes showing tuition rates for 2024–2025 and 2025–2026, and Board secretary certifications³

³ Although the Board made reference to other exhibits while Mr. Goulburn was testifying, because A.D. did not appear and abandoned her case, none of the other exhibits were entered into evidence.