

New Jersey Commissioner of Education
Final Decision

C.R., on behalf of minor children, K.J., C.J., T.J.,
and J.J.,

Petitioner,

v.

Board of Education of the Borough of Pine Hill,
Camden 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 the determination by respondent Pine Hill Board of Education (Board) that she and her children were not domiciled in the district and that the children 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. She failed to appear for scheduled telephone conferences on five different occasions and did not submit any response to the Board's motion to dismiss, despite being given the opportunity to do so.¹ Accordingly, the ALJ concluded that petitioner failed to sustain her burden of demonstrating that her children were entitled to a free public education in the district.

¹ The ALJ also noted that petitioner admits in her petition of appeal that she lives outside of the district, and that she did not present any information or argument to support a claim that the children should be permitted to attend school in the district.

The Administrative Law Judge (ALJ) accepted a certification from the district's Business Administrator regarding the per diem tuition rate and number of days of ineligible attendance for petitioner's children. The ALJ made findings of fact based upon the certification and concluded that petitioner owed the Board a total of \$69,383.34² in tuition for the period between September 3, 2025, and May 5, 2026, plus \$465.66 for each additional day they remain enrolled thereafter.

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 period in question. 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)*). The Commissioner concurs with the ALJ that petitioner failed to sustain this burden, as she admitted that she lives outside the district and did not provide any evidence to support her claim.

² This total includes \$15,598.81 for K.J. (149 days x \$104.69 per day), \$18,386.60 for C.J. (149 days x \$123.40 per day), \$18,386.60 for T.J. (149 days x \$123.40 per day), and \$17,011.33 for J.J. (149 days x \$114.17 per day).

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.” Here, petitioner abandoned her appeal at the OAL, and the Board is therefore entitled to recover tuition. The Board is entitled to tuition reimbursement in the amount of \$69,383.34 for the period between September 3, 2025, and May 5, 2026, plus \$465.66 for each day after May 5, 2026, that the children remained enrolled in the district.

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.³


COMMISSIONER OF EDUCATION

Date of Decision: July 29, 2026
Date of Mailing: July 29, 2026

³ 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

MOTION TO DISMISS

OAL DKT. NO. EDU 18645-2025

AGENCY DKT. NO. 333-10/25

**C.R. ON BEHALF OF MINOR CHILDREN,
K.J., C.J., T.J., AND J.J.;**

Petitioner,

v.

**BOARD OF EDUCATION OF THE BOROUGH
OF PINE HILL, CAMDEN COUNTY,**

Respondent.

No appearance by or on behalf of petitioner, C.R.

Amy R. Guerin, Esq., for respondent (Parker McCay, P.A., attorneys)

Record Closed: May 5, 2026

Decided: May 11, 2026

BEFORE **EDWARD J. DELANOY, JR.,** Deputy Director and ALAJ:

STATEMENT OF THE CASE

Petitioner, C.R. (petitioner or C.R.), the parent of minor children, K.J., C.J., T.J., and J.J., appeals the determination by the respondent, Board of Education of the Borough of Pine Hill, Camden County (respondent or Board), that K.J., C.J., T.J., and J.J. were not domiciled within the Borough of Pine Hill School District (District) for the entirety of the

2025–2026 school year and that tuition reimbursement is required. Were K.J., C.J., T.J., and J.J. entitled to be enrolled in the District for purposes of receiving a thorough and efficient public education free of charge for the 2025–2026 school year, pursuant to N.J.S.A. 18A:38-1? No, there has been no evidence presented that the children were domiciled within the District, to the contrary, the petition notes an out-of-district address for the family and acknowledges that the children do not reside within the District.

PROCEDURAL HISTORY

The petitioner filed a Pro Se Residency Appeal on or about October 2, 2025.¹ On or about October 22, 2025, the respondent filed a Motion to Dismiss in lieu of an answer. The Department of Education Office of Controversies and Disputes transmitted this matter to the Office of Administrative Law (OAL) where it was filed on October 29, 2025, as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

Several telephone conferences were scheduled in this matter on December 15, 2025, December 19, 2025, January 5, 2026, and March 16, 2026, all of which the petitioner did not appear for, nor did the petitioner make any contact with respondent's counsel or this Tribunal. The petitioner was advised via an email from this Tribunal, dated January 6, 2026, that the respondent was to supplement its motion with information requested by this Tribunal in order for the Tribunal to be able to calculate tuition reimbursement. The following briefing dates were set: the respondent was to supplement its motion by January 9, 2026, the petitioner's opposition to the respondent's motion was due on February 9, 2026, and any reply from the respondent was due on February 23, 2026. On January 9, 2026, respondent's counsel requested a one-week extension to file the supplement to its motion. The request was granted and the parties were notified via email on January 9, 2026, that all briefing deadlines were extended by one week.

On March 3, 2026, having not received any filings from either party, a follow-up email was sent to the parties, requesting the status of the filings. When no response was

¹ Neither the petitioner, nor the respondent provided this Tribunal with a copy of the respondent's notification/decision in this matter, nor provided a summary of any underlying procedural history.

received from either party, another follow-up email was sent to the parties on March 9, 2026, requesting the status of the filings. Again, having received no response from either party, on March 11, 2026, this Tribunal scheduled a mandatory status conference for March 16, 2026. The petitioner failed to appear at the conference, and respondent's counsel indicated that her lack of submission was due to an administrative error and would submit the required supplement to the motion the next day, March 17, 2026.

On March 17, 2026, the respondent submitted the required supplement to the motion, and the petitioner was notified via email that her opposition was due on April 7, 2026. No correspondence or filing was received on behalf of the petitioner. The record closed on April 10, 2026.

This matter was assigned for disposition to Administrative Law Judge Rebecca Lafferty. However, after the record closed the case was reassigned, for purposes of resolving this motion, to the undersigned. This reassignment was made necessary by Judge Lafferty's taking a temporary leave of absence for personal reasons.

On my request, the record was reopened on April 28, 2026, to permit the respondent to submit a revised Certification to reflect the correct number of school days for the 2025–2026 school year and correct tuition totals based on the number of days, as well as to provide the correct calendar for the current 2025–2026 school year. On May 5, 2026, the respondent submitted a Supplemental Certification along with the correct school calendar. The record closed again on May 5, 2026.

FINDINGS OF FACT

Based upon a review of the record and the documentary evidence presented, I **FIND** the following as **FACTS**, which are deemed undisputed for purposes of this motion:

C.R.'s family including minor children, K.J., C.J., T.J., and J.J. reside at XXXX Arborwood in Lindenwold, New Jersey as noted in paragraph two on the Pro Se

Residency Appeal. This address is located outside of the District. C.R. does not deny that the family resides outside the District as noted in paragraph six of her Pro Se Residency Appeal. C.R. provided no explanation, justification, exception, or exemption as to why the children are entitled to be educated within the District while being domiciled outside of the District. C.R. did not participate in any conferences in this matter, nor submit any filings or documentation.

The four children have been residing outside of the District for the entirety of the 2025–2026 school year beginning on September 3, 2025, up to and including the date of the respondent's revised filing on May 5, 2026, for a total of 149 days. (See Certification of Ronald Latham, Jr., Business Administrator).

K.J. is a tenth-grade student at Overbrook High School. (See Certification of Ronald Latham, Jr., Business Administrator). The per diem rate per pupil is \$104.69. (See Certification of Ronald Latham, Jr., Business Administrator). The total cost of K.J.'s education for the 2025–2026 school year through May 5, 2026, is \$15,598.81. (See Certification of Ronald Latham, Jr., Business Administrator). This total continues to accrue each day that K.J. continues to be enrolled in Overbrook High School. The total annual tuition rate is \$18,845. (See Certification of Ronald Latham, Jr., Business Administrator).

C.J. is a seventh-grade student at Pine Hill Middle School. (See Certification of Ronald Latham, Jr., Business Administrator). The per diem rate per pupil is \$123.40. (See Certification of Ronald Latham, Jr., Business Administrator). The total cost of C.J.'s education for the 2025–2026 school year through May 5, 2026, is \$18,386.60. (See Certification of Ronald Latham, Jr., Business Administrator). This total continues to accrue each day that C.J. continues to be enrolled in Pine Hill Middle School. The total annual tuition rate is \$22,212. (See Certification of Ronald Latham, Jr., Business Administrator).

T.J. is a sixth-grade student at Pine Hill Middle School. (See Certification of Ronald Latham, Jr., Business Administrator). The per diem rate per pupil is \$123.40. (See Certification of Ronald Latham, Jr., Business Administrator). The total cost of T.J.'s education for the 2025–2026 school year through May 5, 2026, is \$18,386.60. (See Certification of Ronald Latham, Jr., Business Administrator). This total continues to accrue each day that T.J. continues to be enrolled in Pine Hill Middle School. The total annual tuition rate is \$22,212. (See Certification of Ronald Latham, Jr., Business Administrator).

J.J. is a fourth-grade student at Glenn Elementary School. (See Certification of Ronald Latham, Jr., Business Administrator). The per diem rate per pupil is \$114.17. (See Certification of Ronald Latham, Jr., Business Administrator). The total cost of J.J.'s education for the 2025–2026 school year through March 17, 2026, is \$17,011.33. (See Certification of Ronald Latham, Jr., Business Administrator). This total continues to accrue each day that J.J. continues to be enrolled in Glenn Elementary School. The total annual tuition rate is \$20,551. (See Certification of Ronald Latham, Jr., Business Administrator).

The total tuition owed by C.R. for all four children through May 5, 2026, is \$69,383.34. (See Certification of Ronald Latham, Jr., Business Administrator). This amount continues to accrue by \$465.66 per day as long as the children remain enrolled within the District while being domiciled outside of the District. (See Certification of Ronald Latham, Jr., Business Administrator).

CONCLUSIONS OF LAW

The relevant Administrative Code provision that governs motions to dismiss in lieu of an answer is N.J.A.C. 6A:1.5(g). The Commissioner has analogized motions filed under N.J.A.C. 6A:3-1.5(g) to a motion to dismiss for failure to state a claim under Rule 4:6-2(e). In doing so, the Commissioner applied decisional law governing the procedural standards for deciding Rule 4:6-2(e) motions. In considering a Rule 4:6-2(e) motion,

courts “must examine ‘the legal sufficiency of the facts alleged on the face of the complaint,’ giving the [petitioner] the benefit of ‘every reasonable inference of fact.’” Baskin v. P.C. Richard & Son, LLC, 246 N.J. 157, 171 (2021) (quoting Dimitrakopoulos v. Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl, PC, 237 N.J. 91, 107 (2019)).

The test for determining the adequacy of a pleading is “whether a cause of action is ‘suggested’ by the facts.” Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989) (quoting Velantzas v. Colgate-Palmolive Co., 109 N.J. 189, 192 (1988)). If a complaint states no claim affording relief, the action should be dismissed. Dimitrakopoulos, 237 N.J. at 107.

The issue in this appeal is whether K.J., C.J., T.J., and J.J. were domiciled within the District during the 2025–2026 school year.

Public schools are required to provide a free education to individuals between the ages of five and twenty years in certain circumstances, including individuals who are domiciled within the school district. N.J.S.A. 18A:38-1(a). Domicile has been defined as the place where a person has his true, fixed, permanent home and principal establishment, and to which whenever he is absent, he has the intention of returning. State v. Benny, 20 N.J. 238, 250 (1955). N.J.A.C. 6A:22-3.1(a)(1) provides: “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.” See also P.B.K. ex rel. minor child E.Y. v. Bd. of Educ. of Tenaflly, 343 N.J. Super. 419, 427 (App. Div. 2001). Thus, a child would routinely attend school in the district where his or her parents live. The petitioner has the burden of proof in a determination of residency eligibility. N.J.S.A. 18A:38-1(b)(2). When a child is found to be ineligible to attend a school in its district, a school board is entitled to recover tuition from the parent or guardian of the child found ineligible to attend within the district. N.J.S.A. 18A:38-1(b)(2).

A review of the record and undisputed facts reveals that K.J., C.J., T.J., and J.J. have not been domiciled within the District while attending school there since September

3, 2025. It is the petitioner's burden, and the petitioner has failed to participate in this appeal and provided no explanation, justification, exception, or exemption as to why the children are entitled to be educated within the District while being domiciled outside of the District. Accordingly, I **CONCLUDE** that the petitioner has not stated a claim for which relief may be granted and thus dismissal of this appeal is appropriate.

I further **CONCLUDE** that because K.J., C.J., T.J., and J.J. were not entitled to receive a free public education in the District since September 3, 2025, the respondent is entitled to tuition reimbursement from the petitioner. The daily per pupil tuition rates for the various schools within the District for the 2025–2026 school year are as noted above, which equates to a combined daily rate of \$465.66 for all four children. Therefore, I **CONCLUDE** that the respondent is entitled to tuition reimbursement from the petitioner for the cost of providing an education to K.J., C.J., T.J., and J.J. at the combined daily rate of \$465.66, beginning September 3, 2025, until the date that K.J., C.J., T.J., and J.J. are disenrolled in the District. The total tuition cost for all four children through May 5, 2026, is \$69,383.34.

ORDER

Based upon the foregoing, it is hereby **ORDERED** that respondent's Motion to Dismiss is **GRANTED** and the petitioner's appeal is hereby **DISMISSED**.

It is further **ORDERED** that that the petitioner reimburse the respondent for the cost of tuition for K.J., C.J., T.J., and J.J. for 149 school days from September 3, 2025, through May 5, 2026, in the total amount of \$69,383.34.

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

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 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 11, 2026

DATE


EDWARD J. DELANOY, JR.,
Deputy Director and ALAJ

Date Received at Agency:

Date Mailed to Parties:

EJD/cb

APPENDIX

EXHIBITS

For petitioner

None

For respondent

Certification of Ronald Latham, Jr. with Exhibit A — 2025–2026 School Calendar