

348-26
OAL Dkt. No. EDU 06940-26 (EDU 04976-25 on remand)
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.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) issued July 23, 2026, following a remand for calculation of tuition owed, have been reviewed and considered. The parties did not file exceptions.

In a prior decision issued April 25, 2026, the Commissioner determined that M.W. was ineligible to attend school in the district during the 2023-2024 and 2024-2025 school years because she and petitioner were not domiciled in Holmdel. Tuition was not assessed against petitioner at that time because the record lacked information regarding the per pupil cost and number of days of M.W.'s ineligible attendance.

On remand, the parties supplemented the record with a joint stipulation and provided the necessary information for the tuition amount owed to be calculated. Upon review, the Administrative Law Judge (ALJ) concluded that tuition should be assessed against petitioner in

the amount of \$46,863.62 through May 26, 2026, plus tuition at the daily rate for each additional day of M.W.'s ineligible attendance.

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."

The Commissioner adopts the Initial Decision as the final decision in this matter, for the reasons stated therein. Tuition is assessed against petitioner in the amount of \$46,863.62 for M.W.'s period of ineligible attendance at the Holmdel Township School District through May 26, 2026 (\$87.29 per day x 89 days for 2023-2024 school year, \$113.17 per day x 180 days for 2024-2025 school year, and \$114.87 per day x 163 days for 2025-2026 school year). Petitioner is aware that she may incur additional tuition costs if M.W. continues to attend school in the district while ineligible.

IT IS SO ORDERED.¹



COMMISSIONER OF EDUCATION

Date of Decision: September 3, 2026
Date of Mailing: September 4, 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 06940-26

(ON REMAND EDU 04976-25)

A.W. ON BEHALF OF MINOR

CHILD, M.W.,

Petitioner,

v.

TOWNSHIP OF HOLMDEL BOARD OF

EDUCATION,

Respondent.

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: July 20, 2026

Decided: July 23, 2026

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

STATEMENT OF THE CASE

Petitioner A.W., the parent of minor child M.W., challenged respondents, the Holmdel Township Board of Education's (Board or District), residency determination. The

case was heard and the Commissioner adopted the substantive findings and conclusions of the Initial Decision but determined that the record required “a certification regarding the per pupil cost of attendance and number of days of M.W.’s ineligible attendance” to calculate the tuition to be assessed against petitioner. The parties sent in a joint stipulation of facts, and respondent filed a motion for summary decision. Is summary decision appropriate? Yes. All the material facts in this case are undisputed. Petitioner has not contested any fact put in front of this tribunal. Petitioner, as shown in the joint stipulation, has agreed to all the facts and the amount of tuition that would be paid to the District pending her appeal of the Final Decision. There is no disagreement with the formula for coming up with the tuition owed or the amount owed.

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 driving M.W. to Holmdel school bus stops for school transportation from outside of the community. 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. Holmdel notified A.W. in December 2024 that, because of its investigation and determination, it intended to remove M.W. from the Holmdel schools. A.W. requested a Board hearing to challenge that determination, which was held on January 22, 2025. Following that Board hearing, the Board also determined that A.W. and M.W. did not reside in Holmdel and that M.W. should be removed from Holmdel’s schools.

A.W. appealed the Board’s decision to the Commissioner of Education. The Commissioner transmitted the matter to the Office of Administrative Law (OAL) as a contested case, where it was filed on March 14, 2025, under OAL docket number EDU 04976-25. 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. The Initial Decision concluded that M.W. was not entitled to a free public education in the District. T-1.

The Commissioner adopted the substantive findings and conclusions of the Initial Decision but determined that the record required “a certification regarding the per pupil cost of attendance and number of days of M.W.’s ineligible attendance” in order to calculate the tuition to be assessed against petitioner. T-2 at 9. The Commissioner also adopted the Initial Decision’s determination that “M.W. attended school in the District for the 2023–2024 and 2024–2025 school years while domiciled outside of the District.” T-1 at 7; T-2 at 2, 8–9. The matter was remanded to the OAL, where it was filed on May 3, 2026, under OAL docket number EDU 06940-26, to determine the amount of tuition owed.

The parties held a telephone conference to address the remand and agreed to send a joint stipulation of facts and a summary decision motion to decide the case, as there were no disputed facts.

MOTION

Respondent has filed a motion for summary decision, stating that based on the facts jointly stipulated by the parties, this tribunal should assess tuition against A.W. for M.W.’s ineligible attendance in the District during the 2023–24, 2024–25, and 2025–26 school years in the total amount of \$46,863.62 for the period through May 26, 2026, plus the cost of tuition for each additional day M.W. continues attending school pending her appeal.

FINDINGS OF UNDISPUTED FACT

The following **FACTS** of the case are jointly stipulated to by the parties:

1. On January 30, 2025, the Holmdel Township Board of Education notified A.W. that after a Board-level hearing on her residency appeal, it found that she was not domiciled in Holmdel and as a result M.W. was not eligible for free attendance in the District’s schools. R-1 ¶ 1.

2. On February 20, 2025, the District received a copy of an appeal that A.W. reportedly mailed to the Commissioner of Education challenging the Board's ineligibility determination. Id. at ¶ 2.
3. M.W. continued attending the District's schools pending the appeal before the Commissioner. Id. at ¶ 3.
4. M.W. attended the District's Village Elementary School during the 2023–24, 2024–25, and 2025–26 school years. Id. at ¶ 4.
5. The annual tuition rate for students in M.W.'s grade and program during the 2023–24 school year was \$15,712, representing a daily tuition rate of \$87.29. Id. at ¶ 5.
6. The cost for M.W.'s attendance in the District during the 2023–24 school year from January 30, 2024, to June 30, 2024, totaled \$7,768.81. The tuition cost for this period was calculated by multiplying the number of school days during that period (89 school days) by the 2023–24 daily tuition rate of \$87.29. Id. at ¶ 6.
7. The annual tuition rate for students in M.W.'s grade and program during the 2024–25 school year was \$20,371, representing a daily tuition rate of \$113.17. Id. at ¶ 7.
8. The cost for M.W.'s attendance in the District during the full 2024–25 school year totaled \$20,371. Id. at ¶ 8.
9. The annual tuition rate for students in M.W.'s grade and program during the 2025–26 school year is \$20,676, representing a daily tuition rate of \$114.87. Id. at ¶ 9.
10. The cost for M.W.'s attendance in the District during the 2025–26 school year from July 1, 2025, to May 26, 2026, totals \$18,723.81. The tuition cost for this period was calculated by multiplying the number of school days during that period (163 school days) by the 2025–26 daily tuition rate of \$114.87. Id. at ¶ 10.
11. M.W. would incur an additional cost of \$114.87 per school day for continued attendance in the District's schools during the remainder of the 2025–26 school year. Id. at ¶ 11.

LAW AND ANALYSIS

Summary decision may be granted “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). The OAL summary decision rule is essentially the same as the summary judgment rule under the New Jersey Court Rules, which states:

The judgment or order sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file, 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 a judgment or order as a matter of law. An issue of fact is genuine only if, considering the burden of persuasion at trial, the evidence submitted by the parties on the motion, together with all legitimate inferences therefrom favoring the non-moving party, would require submission of the issue to the trier of fact.

[R. 4:46-2(c).]

The New Jersey Supreme Court has modified and clarified the analysis required when considering a motion for summary decision/judgment. In Brill v. Guardian Life Insurance Co. of America, 142 N.J. 520, 540 (1995), the Court adopted the summary judgment standard utilized by federal courts:

Under this new standard, a determination whether there exists a “genuine issue” of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party. The “judge’s function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” [Anderson v. Liberty Lobby, 477 U.S. 242, 249 (1986).] . . . If there exists a single, unavoidable resolution of the alleged disputed issue of fact, that issue should be considered insufficient to constitute a “genuine” issue of material fact for purposes of Rule 4:46-2. Liberty

Lobby, supra, 477 U.S. at 250, 106 S. Ct. at 2511, 91 L. Ed. 2d at 213. The import of our holding is that when the evidence “is so one-sided that one party must prevail as a matter of law,” Liberty Lobby, supra, 477 U.S. at 252, 106 S. Ct. at 2512, 91 L. Ed. 2d at 214, the trial court should not hesitate to grant summary judgment.

The burden is on the moving party to exclude all reasonable doubt as to the existence of any genuine issue of material fact, and all inferences of doubt are drawn against the moving party and in favor of the non-moving party. Saldana v. DiMedio, 275 N.J. Super. 488, 494 (App. Div. 1994). The critical question, therefore, is “whether the evidence presents a sufficient disagreement to require [a hearing] or whether it is so one-sided that one party must prevail as a matter of law.” Brill, 142 N.J. at 533 (citation omitted). If the non-moving party’s evidence is merely colorable or is not significantly probative, summary judgment should not be denied. See Bowles v. City of Camden, 993 F. Supp. 255, 261 (D.N.J. 1998).

All the material facts in this case are undisputed. Petitioner has not contested any fact put in front of this tribunal. Petitioner, as shown in the joint stipulation, has agreed to all the facts and the amount in tuition that would be paid to the District pending her appeal of the decision. There is no disagreement with the formula for coming up with the tuition owed or the amount owed.

Accordingly, I **CONCLUDE** that for the reasons set forth more fully above, there is no material fact in dispute in this matter and summary decision should be granted assessing tuition against A.W. in the amount of \$46,863.62 plus tuition at the daily rate for each additional day M.W. attends Holmdel’s schools.

I therefore **CONCLUDE** that respondent’s motion for summary decision should be granted.

ORDER

Based on the foregoing, it is hereby **ORDERED** that respondent’s motion for summary decision is **GRANTED**.

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.

July 23, 2026

DATE



MICHAEL R. STANZIONE, ALJ

Date Received at Agency:

Date Mailed to Parties:

APPENDIX

Exhibits

For Petitioner:

None

For Respondent:

R-1 Joint Stipulation of Facts

Tribunal:

T-1 Initial Decision

T-2 Final Decision