

35-26
OAL Dkt. No. EDU 11124-25
Agency Dkt. No. 183-6/25

New Jersey Commissioner of Education
Final Decision

<p>W.J., on behalf of minor child, A.C.,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>Board of Education of the Township of Springfield, Union County,</p> <p style="text-align: center;">Respondent.</p>
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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 (ALJ) that petitioner and her minor child, A.C., were not domiciled in Springfield during the 2024-2025 school year or from September 4, 2025 through September 18, 2025. The Commissioner further concurs with the ALJ's conclusion that A.C. was, therefore, not entitled to a free public education in Springfield during that time.

Pursuant to *N.J.S.A. 18A:38-1(b)*, the Commissioner shall assess tuition against petitioner for the time period during which A.C. was ineligible to attend school in Springfield. The Board is entitled to tuition reimbursement in the amount of \$16,347 for 180 days of ineligible attendance

in the 2024-2025 school year, and \$1,116.61 for 11 days of ineligible attendance in the 2025-2026 school year, for a total of \$17,463.61.¹

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed. Petitioner is directed to reimburse the Board in the amount of \$17,463.61 for tuition costs incurred when A.C. was ineligible to attend school in Springfield.

IT IS SO ORDERED.²



COMMISSIONER OF EDUCATION

Date of Decision: January 29, 2026
Date of Mailing: January 30, 2026

¹ The tuition calculation for 2024-2025 is based upon information supplied in the district's registration paperwork, Exhibit R-5, and Notice of Final Ineligibility, Exhibit R-11. The tuition calculation for 2025-2026 is based upon information supplied in testimony by School Business Administrator Michelle Calas, Tr. 99:8-9, and a supplemental certification by Ms. Calas dated October 24, 2025

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 11124-25

AGENCY DKT NO. 183-6/25

W.J. ON BEHALF OF A.C.,

Petitioner,

v.

TOWNSHIP OF SPRINGFIELD

BOARD OF EDUCATION, UNION

COUNTY,

Respondent.

W.J., petitioner, pro se

Jaclyn M. Morgese, Esq., for respondent (Chasan Lamparello Mallon and
Cappuzzo, P.C., attorneys)

Record Closed: November 21, 2025

Decided: December 24, 2025

BEFORE **PATRICE E. HOBBS**, ALJ:

STATEMENT OF THE CASE

Petitioner, W.J., and her minor child, A.C., currently domiciled in Piscataway, New Jersey, challenge the determination by the Springfield Board of Education (respondent or Board) that A.C. was not entitled to a free education in Springfield. Is respondent entitled to tuition reimbursement for A.C.? Yes. Under N.J.S.A. 18A:38-1(a), a public education

is free only to those who are domiciled in that school district, and respondent is entitled to tuition reimbursement.

PROCEDURAL HISTORY

On August 20, 2024, A.C. was registered as a kindergarten student in the Springfield Public School District (the District). On June 4, 2025, A.C. was disenrolled from the Springfield Public School District because it was alleged that W.J. and A.C. were not domiciled within the District. On June 11, 2025, petitioner filed her appeal. On June 24, 2025, the case was transmitted from the Commissioner of Education to the Office of Administrative Law (OAL) for a hearing as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On September 18, 2025, I held a hearing. On November 21, 2025, post-hearing submissions were received, and, on that date, I closed the record.

FINDINGS OF FACT

Based upon the testimony the parties provided and my assessment of its credibility, together with the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following **FACTS**:

W.J. is married to K.C., and they have two children, A.C. and C.C. W.J. currently leases an apartment in Piscataway, Middlesex County, N.J. for herself and her two children. She pays the bills for this apartment. (R-15.) Her son, A.C., is currently enrolled in first grade in Piscataway. In 2023, A.C. was four years old and not registered for school in any district. On March 6, 2024, W.J. leased an apartment at 1 Vermella Way, Unit 3043, Union, N.J. (R-13), and A.C. was listed as a resident on that lease. In August 2024, W.J. enrolled in kindergarten for the 2024–2025 school year in Springfield.

To enroll A.C., W.J. submitted a residency checklist form, A.C.'s birth certificate, a deed for the residence at Milltown Road, an Affidavit of Residency Form signed by M.J.P., an Affidavit of Residency Form signed by W.J. and A.C.'s vaccination records. (R-5.) On M.J.P.'s residency form, he stated that W.J. and her son were residents of 391 Milltown

Road. On W.J.'s residency form, she stated that 391 Milltown Road was her permanent address. W.J. stated that she lived in the basement; it was her permanent residence, and she intended to return when the renovations were completed. (P-1; P-2; P-3.) The Affidavits of Residency signed by M.J.P. and W.J. state that they would be personally liable for tuition for the full year if the information provided on the form was proven false or fraudulent. The forms list tuition for one year as \$16,347. As of September 18, 2025, the basement for Milltown Road remains uninhabitable. The vaccination forms completed on July 31, 2024, do not list any home address for A.C. W.J.'s driver's license (R-12), issued on March 6, 2024, lists her address as 1 Vermella Way, Unit 3043, Union, N.J. K.C.'s PSEG bill for July 2025 lists his address as 1 Vermella Way (R-15), and his AT&T bill lists his address as Milltown Road. (R-17.) W.J. has provided no current documentation that lists Milltown Road as her address and provided no documentation to show her address prior to March 6, 2024. K.C. attended the hearing but did not testify.

R.J. is W.J.'s sister. M.J.P. and R.J. have owned the home located at Milltown Road since 2021 (R-5), and it is in Springfield, N.J. She has three children, E.J.P., R.J.P. and H.J.P., who are domiciled in and attend school in Springfield. On April 10, 2023, a fire destroyed the house on Milltown Road. (R-6.) The M.J.P. family had temporary housing at 7 Sadie Circle in Union following the fire. The house was uninhabitable from April 2023 until April 2025. (R-14.) Currently, only the basement is uninhabitable. R.J. stated that in August 2024, W.J. and A.C. lived with her in the basement on Milltown Road because W.J. and K.C. were having marital problems. However, in August 2024, at the time that A.C. was registered for school in Springfield, Milltown Road was uninhabitable due to the 2023 fire. M.J.P. and R.J. could not move back into Milltown Road until 2025.

James Post has been the residency investigator for the respondent for the past thirteen years. In April 2025, he was tasked with confirming domicile for A.C. On April 24, 2025, he observed A.C., along with H.J.P. and R.J.P., leaving the school premises in an automobile operated by K.C. The children were driven to 391 Milltown Road in Springfield, where everyone exited the automobile and entered the residence. Approximately thirty minutes later, Post observed K.C. and A.C. leave the Milltown Road address, drive to Route 22, and then enter an apartment complex at Vermella Way in Union, N.J.

On April 28, 2025, Post observed K.C.'s vehicle exit Vermella Way. K.C. drove to Milltown Road. Post then observed K.C. drive to the school in Springfield. Post saw H.J.P. and A.C. exit the automobile. On May 1, 2025, Post obtained a copy of the lease for Vermella Way (R-13), and it listed K.C., W.J., A.C. and C.C. as residents. The lease was valid from June 2025 through November 2025. K.C. and W.J. signed the lease. Post also obtained a copy of W.J.'s driver's license (R-12), which lists her address as Vermella Way. Post submitted his findings to Michelle Callas, the board secretary. (R-8.)

Callas is the board secretary for the Board. One of her many responsibilities includes the determination of a student's residency. The Board has mandatory policies governing a student's residency. District policy 5111 allows any student who is a resident of Springfield to attend school free of charge if the proper proof of residency is provided. (R-1; R-2.) In addition, the Board has an online system that permits parents to register students online. The online registration (R-3) lists the documentation required for student registration. Leases and utility bills are among the acceptable documents to prove residency. There are four ways that a student can be qualified as a resident in Springfield (R-4): a student domiciled with a parent or guardian whose permanent home is in Springfield; a student living with an adult domiciled in Springfield other than the parent or guardian if the adult domiciled within Springfield is supporting the student as if the student were their own child and is not living in the district for the sole purpose of obtaining free tuition; a student living with a parent or guardian temporarily residing within the district and that this residence is not solely for the purpose of the student attending school within the district; various miscellaneous circumstances that could qualify a student for registration within the district, such as homelessness, court order, and the parents' membership with the New Jersey National Guard.

In April 2023, Callas was notified of the fire at 391 Milltown Road. She contacted Daniel Cocco, the supervisor of school counseling services and the coordinator for homeless services. She requested that he determine whether the family qualified for transportation under the McKinney-Vento Policy. (R-7.) The McKinney-Vento policy states that students are provided with transportation and other services if they have been rendered homeless. Cocco determined that the fire rendered E.J.P., R.J.P., H.J.P. and A.C. homeless and that they qualified for all services offered under McKinney-Vento. A.C.

was considered homeless because his 2024 registration lists Milltown Road as his residence. If a family is homeless under the McKinney-Vento policy, the family cannot be investigated for residency issues. On February 10, 2025, the Board determined that the McKinney-Vento services were no longer required and terminated them. (R-7.) The notification provided a process for appeal, and no appeal was filed.

In April 2025, Callas was notified by the school principal that there was a potential residency issue pertaining to A.C. As a result, Callas requested that Post investigate whether A.C. was a resident of Springfield. Callas stated that on May 7, 2025, the Board notified K.C. and W.J. that a residency investigation concluded that A.C. was not domiciled within the Township of Springfield (R-9) and that the Board would hold a residency hearing. (R-10.) The Board held the hearing and notified K.C. and W.J. of its findings. (R-11.) W.J. appealed the Board's findings, and since that appeal was filed, all mail sent by the Board to W.J. at 391 Milltown Road has remained unclaimed. (R-19.) If a student is deemed ineligible to attend school in Springfield, the family is responsible for tuition for every day that the child attended school. If it's for an entire academic year, the family is charged an annual rate. (R-2.) The annual rate for the 2024–2025 school year was \$16,347. A.C. attended school for the entire 2024–2025 school year, and W.J. is responsible for the annual rate. The annual rate for the 2025–2026 school year is \$18,272, and the per diem rate is \$101.51. A.C. was enrolled in Springfield until September 18, 2025, for 11 days, or \$1,116.61. The total tuition owed is \$17,463.61.

Based on the foregoing facts, I **FIND** that W.J. and A.C. are not domiciled in Springfield. I further **FIND** that W.J. listed her address at Milltown Road, Springfield, NJ, to obtain a free education from the Springfield Board of Education.

LEGAL DISCUSSION AND CONCLUSIONS OF LAW

The sole issue for determination in this case is whether A.C. is domiciled within the Springfield School District. Any person between the ages of five and twenty years old is entitled to free public education in the district in which he or she is domiciled. N.J.S.A. 18A:38-1(a); N.J.A.C. 6A:22-3.1(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). A student may attend school in a district in which he or she is a non-resident, with or without payment of tuition, only at the discretion of the school district. N.J.S.A. 18A:38-3(a); N.J.A.C. 6A:22-2.2.

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 to return. State v. Benny, 20 N.J. 238, 250 (1955). The domicile of an unemancipated child is that of his or her parent, custodian, or guardian. P.B.K. ex rel. minor child E.Y. v. Board of Ed. of Tenafly, 343 N.J. Super. 419, 427 (App. Div. 2001). A child who is kept in the home of another person is domiciled in the district if the child is fully supported by that person gratis, as if they were her own child. N.J.S.A. 18A:38-1(b)(1). The parent of the child must provide a sworn affidavit with documentary evidence to show that the parent is not capable of supporting or providing care for the child **and** that the child is not residing there solely for the purpose of a free education. Ibid. Where a local board determines that a child is not properly domiciled in its district, the parent has a right of appeal and bears the burden of proof by a preponderance of the credible evidence. N.J.S.A. 18A:38-1(b)(2).

In 2023, A.C. was a prekindergarten student and was not registered for school in any school district. M.J.P. and R.P. have owned the house at Milltown Road since 2021 and live there with their three children, E.J.P., R.J.P. and H.J.P. The fire on April 10, 2023, destroyed the house at Milltown Road, and it was uninhabitable until May 2025. R.J. and W.J. testified that in 2024, W.J. lived in the basement at Milltown Road while she was having marital problems. However, in 2024, Milltown Road was uninhabitable; it was therefore impossible that she was living in the basement of that residence. Further, in 2024, the M.J.P. family was residing at 7 Sadie Circle in Union.

W.J. submitted sworn affidavits attesting that it was her permanent address. In March 2024, prior to registering A.C. for school, K.C. and W.J. signed a one-year residential lease for Vermella Way in Union County. This lease was effective through November 2025. W.J.’s driver’s license, issued on March 6, 2024, lists the Vermella Way address. A.C.’s vaccination records do not list an address. When the McKinney-Vento bus service ended in 2025, W.J. did not file an appeal. Instead, K.C. drove to Milltown to

pick up R.J.'s children and drive all the children to school. W.J. testified that she no longer lives at Vermella Way and now leases an apartment in Piscataway. She also testified that A.C. is enrolled in the first grade at a public school in Piscataway. She has not provided any documentation or bills that list Milltown Road as her address prior to or since 2024. In fact, she does not have any document that shows Milltown Road as her address. Her husband, K.C., attended the hearing but did not testify.

W.J. argues that the entire family was displaced by the fire and that they were all living together. However, the M.J.P. family was living at 7 Sadie Circle in Union, and W.J. and her family were living at Vermella Way. In addition, after the main sections of the residence on Milltown Road were repaired and habitable, the M.J.P. family returned to Milltown Road, and W.J. and her family remained at Vermella Way. Finally, at the time of the hearing, the lease for Vermella Way remained current, she was living with her son, A.C., in Piscataway, and A.C. was enrolled in first grade in Piscataway.

Based on the record herein, I **CONCLUDE** that W.J. is not domiciled on Milltown Road in the Township of Springfield School District for the 2024–2025 school year or the 2025–2026 school year. I further **CONCLUDE** that W.J. and A.C. used the Milltown Road address in Springfield, NJ, to receive a free public education from Springfield, in violation of N.J.S.A. 18A:38-1(b)(1).

N.J.S.A. 18A:38-1(b)(1) and N.J.A.C. 6A:22-6.3(a) provide that when the evidence does not support the claim of the resident, the resident shall be assessed tuition for the number of days of ineligible attendance for up to one year. Respondent has provided the annual tuition rate for 2024–2025 as \$16,347 and for 2025–2026 as \$18,272 for the year. The daily rate for 2025–2026 is \$101.51 per day. The individual student's record of daily attendance shall not affect the calculation. N.J.A.C. 6A:22-6.3(a). The total amount of tuition reimbursement owed is \$17,463.61. Based on the facts and legal principles cited above, I **CONCLUDE** that W.J. owes the respondent tuition for out-of-district students totaling \$17,463.61: \$16,347 for the 2024–2025 school year and \$1,116.61 (\$101.51 x 11 days) for the 2025–2026 school year.

ORDER

Based upon the foregoing, it is **ORDERED** that this residency appeal be **DISMISSED**. It is further **ORDERED** that the petitioner owes the respondent the cost of tuition for an out-of-district student, A.C., for his attendance at Sandmeier School in Springfield Township in the amount of \$16,347 for 2024–2025 and \$1,116.61 for 2025–2026, for a total of \$17,463.61.

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 Acting 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 **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 24, 2025

DATE



PATRICE E. HOBBS, ALJ

Date Received at Agency:

December 24, 2025

Date Mailed to Parties:

December 24, 2025

APPENDIX

Witnesses

For petitioner:

W.J., petitioner
R.J.

For respondent:

James Post, Investigator, Township of Springfield Board of Education
Michelle Callas, Board Secretary, Township of Springfield Board of Education

Exhibit

For petitioner:

P-1 Photograph of the basement

For respondent:

R-1 Springfield Board Policy 5111
R-2 Springfield Board Regulation 5111
R-3 New Student Registration Information
R-4 Residency Forms
R-5 A.C.'s Registration Packet for the 2024–25 school year
R-6 April 10, 2023, Incident Report from Springfield Fire Department
R-7 Emails and correspondence regarding McKinney-Vento Services
R-8 May 5, 2025, Residency Investigation Report
R-9 May 7, 2025, Notice of Initial Determination of Eligibility
R-10 May 29, 2025, Notice of Residency Hearing
R-11 June 4, 2025, Final Notice of Eligibility
R-12 Petitioner's driver's license, issued March 6, 2024
R-13 March 6, 2024, apartment lease for 1 Vermella Way, Union

- R-14 Springfield Township Construction Permit Status
- R-15 July 16, 2025, PSE&G bill
- R-16 August 27, 2024, emails regarding 2024–25 bus information
- R-17 August 14, 2025, AT&T bill
- R-18 Board Minutes, April 8, 2025
- R-19 Unclaimed mailing, Discovery Requests