

New Jersey Commissioner of Education
Decision

S.A., on behalf of minor children, E.A. and D.A.,

Petitioner,

v.

Haddonfield Board of Education, 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.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner and his minor children, E.A. and D.A., were not domiciled in Haddonfield during the period from September 2, 2025 through December 23, 2025. The Commissioner further concurs with the ALJ's conclusion that E.A. and D.A. were, therefore, not entitled to a free public education in Haddonfield during that time. *N.J.S.A. 18A:38-1(a)*.

Pursuant to *N.J.S.A. 18A:38-1(b)*, the Commissioner shall assess tuition against petitioner for the time period during which E.A. and D.A. were ineligible to attend school in the district. Tuition is "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." *N.J.S.A. 18A:38-1(b)*.

Although the ALJ ordered that petitioner reimburse the Board for the children's tuition during the period from September 2, 2025 through December 23, 2025, the ALJ did not make any factual findings regarding the per diem tuition rate or the number of days of ineligible attendance during the relevant time period. Nor does the record contain the information necessary for the Commissioner to independently calculate the amount of tuition reimbursement. Without sufficient proofs, the Commissioner is unable to assess tuition against petitioner at this time.

Accordingly, this matter is remanded to the OAL for further proceedings to develop the factual record regarding the per diem rate and the number of days of ineligible attendance.¹

IT IS SO ORDERED.



COMMISSIONER OF EDUCATION

Date of Decision: September 10, 2026
Date of Mailing: September 14, 2026

¹ The record may be supplemented with a certification from the district's Business Administrator or other staff with appropriate knowledge, or through the taking of testimony.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

GRANTING RESPONDENT'S

MOTION TO DISMISS

OAL DKT. NO. EDU 03832-26

AGENCY DKT. NO. 039-02-26

S.A. ON BEHALF OF MINOR CHILDREN,

E.A. AND D.A.,

Petitioner,

v.

HADDONFIELD BOARD OF EDUCATION

CAMDEN COUNTY,

Respondent.

S.A., petitioner, pro se

Jodi S. Howlett, Esq., on behalf of respondent (Capehart & Scatchard, PA,
attorneys)

Record Closed: April 28, 2026

Decided: June 12, 2026

BEFORE **SARAH G. CROWLEY**, ALJ:

STATEMENT OF THE CASE

Petitioner, S.A. (petitioner), on behalf of his minor children, E.A. and D.A., challenges the determination made by the respondent, Board of Education of the Township of Haddonfield (respondent), that the minor students did not reside in Haddonfield Township (Haddonfield), and seeks to compel their enrollment in respondent's school district. Respondent filed a Motion to Dismiss in lieu of an answer and seeks dismissal of petitioner's appeal and tuition reimbursement for the months of September through December 2025¹. The respondent seeks dismissal of petitioner's appeal, because the petitioner does not dispute that the children lived in Philadelphia, Pennsylvania during this time period, and although they had purchased property in the district, they concede that they did not reside there during this period of time.

PROCEDURAL HISTORY

On February 5, 2026, petitioner filed an appeal of the residency determination on behalf of E.A. and D.A with the Department of Education Bureau of Controversies and Disputes and the matter was transmitted to the Office of Administrative Law (OAL) on March 5, 2026, for a hearing pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14 F-1 et seq. The respondent filed a Motion to Dismiss on April 28, 2026. No opposition to the motion was received, but a conference call was conducted with the parties and petitioner acknowledged that the children were never domiciled in the district.

FACTUAL DISCUSSION AND LEGAL ARGUMENTS

Findings of Fact

The material facts were uncontroverted, and I **FIND** as **FACT** the following:

¹ The initial determination sought reimbursement for the 2024-2025 school year, as well as 2025-2026. The respondent has amended their reimbursement claim to September through December of 2025, after learning that the children attended school in Philadelphia for the remainder of those time periods.

1. S.A., petitioner, is the father of E.A. and D.A.
2. S.A. registered the children for school using the address of 100 Chestnut Street, Haddonfield, New Jersey for the 2024-2025 and 2025-2026 school years.
3. S.A. owns the property at 100 Chestnut Street, Haddonfield, and for all time relevant to the within litigation, it has been uninhabitable and undergoing renovation.
4. S.A. and his children did not reside at this home for any time relevant to the within litigation.
5. The children attended school in Haddonfield from September 2025 through December 2025, while residing in Philadelphia.
6. The foregoing facts were discovered through an investigation conducted by the respondent and proofs provided in support of motion for summary decision. The petitioner did not file an opposition and did not dispute that the children did not reside in Haddonfield during the relevant time period.
7. The petitioner, in its petition concedes in his response to the notice of ineligibility that the children attended Haddonfield Elementary School from September 2025 through December 2025 and did not reside in Haddonfield at that time.
8. For all other time periods the petitioner's children attended school in Philadelphia where they were residing and the claim by the district has been amended to only seek reimbursement for the period of September 2025 through December 2025.

The foregoing facts are not in dispute and I FIND them as FACT.

LEGAL DISCUSSION AND CONCLUSIONS

A motion to dismiss a petition of appeal is appropriate where the petitioner does not allege facts that, even if accepted as true, would entitle the petitioner to relief. N.J.A.C. 1:1-12.5; N.J.A.C. 6A:3-1.5. Under New Jersey Law, public-school education is only free to a student who is domiciled within the district. N.J.S.A. 18A:38-1(a) A parent or guardian who challenges a district residency determination bears the burden of proving domicile by a preponderance of the evidence. N.J.S. 18A:38-1(b)(2). Domicile has been defined as a person's true, fixed and permanent home and principal establishing to which the person intends to return when absent. *D.L. v. Bd. Of Educ. Of Princeton Reg'l School District*, 366 N.J. Super. 269 (App. Div. 2004).

In this regard, N.J.A.C. 6A:22-3.2, provides in pertinent part as follows:

(a) A student is eligible to attend the school district pursuant to N.J.S.A. 18A:38-1.b if he or she is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.

1. A student is not eligible to attend a school district pursuant to this provision unless:

i. The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education; and

ii. The person keeping the student has filed, if so required by the district board of education:

(1) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a time longer than the school term, and will assume all personal obligations for the student pertaining to school requirements; and

(2) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without written lease, or a mortgage or tax bill if an owner.

In this matter the respondent conducted an investigation and determined that the children did not reside at the address provided by the petitioner. The home listed at the time of enrollment was a property that was uninhabitable and no one was residing there. In the response to the Notice of Ineligibility, the petitioner acknowledged that the children were residing in Philadelphia and had never resided in this home. The petitioner further conceded that the children attended Haddonfield Elementary School from September 2, 2025, through December 23, 2025, and were not residing in the respondent district at that time.

Following the standards for a Motion to Dismiss pursuant, I **CONCLUDE** that there are no issues in dispute that would entitle the petitioner to relief in this matter as the petitioner acknowledged that the children attended school in the district and were not domiciled in Haddonfield from September 2, 2025, through December 23, 2025. Accordingly, they had no legal right to attend school in the district and are hereby **ORDERED** to reimburse the District for tuition for the children during this time period.

ORDER

It is hereby **ORDERED** that respondent's Motion to Dismiss is **GRANTED**, and an Order for reimbursement for the period of September 2, 2025, through December 23, 2025 for E.A. and D.A., be paid by the petitioner.

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.

June 12, 2026

DATE


SARAH G. CROWLEY, ALJ

Date Received at Agency:

Date Mailed to Parties:

SGC/lam/onl