

E.H., on behalf of minor children, E.H. and J.H.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY,	:	DECISION
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner filed a *pro se* residency appeal challenging the respondent Board’s determination that E.H. and J.H. were not entitled to a free public education in the Township of North Brunswick schools for the period between October 2011 and February 2013. Petitioner asserted that he is domiciled in respondent’s school district, but had been evicted from his former apartment in North Brunswick and sublet a one bedroom apartment – also in North Brunswick – where he lived during most of the above period. Petitioner further claimed that his two older sons sometimes spent part of the week sleeping at a friend’s home in another town because the one bedroom apartment was too crowded for the family. The respondent Board contended that petitioner did not reside in the school district, and sought tuition reimbursement for the 2011-2012 and 2012-2013 school years.

The ALJ found that: based on the documents submitted by the petitioner and his credible testimony at hearing, E.H. resided within the North Brunswick school district, in a sublet apartment, during much of the period at issue here, and has resided in an apartment on Georges Road in North Brunswick since October 2012. Accordingly, the ALJ concluded that petitioner’s children are entitled to a free public education in North Brunswick schools, and that E.H. is not liable for tuition to the North Brunswick school district. The ALJ ordered the within counterclaim for tuition dismissed with prejudice.

Upon review of the record and the Initial Decision, the Commissioner concurred with the ALJ’s findings and conclusions. Accordingly, the Initial Decision was adopted as the final decision in this matter.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

OAL DKT. NO. EDU 3234-12
AGENCY DKT. NO. 59-3/12

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the petitioner established that his children were entitled to attend school in the North Brunswick School District between October 2011 and February 2013. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 7, 2014

Date of Mailing: April 8, 2014

¹ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*.