

EDU #208-01
C # 57-01
SB # 8-01

M.G. and M.G., on behalf of minor child, A.G., :
PETITIONERS-RESPONDENTS, : STATE BOARD OF EDUCATION
V. :
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF WASHINGTON, GLOUCESTER COUNTY, :
RESPONDENT-APPELLANT. :
_____ :

Decision on motion by the Commissioner of Education, February 15, 2001

Decision on motion by the Commissioner of Education, March 8, 2001

For the Respondent-Appellant, Capehart & Scatchard (Joseph F. Betley, Esq., of
Counsel)

For the Petitioners-Respondents, Christopher M. Manganello, Esq.

The petitioners filed a petition with the Commissioner of Education challenging the action by the Board of Education of the Township of Washington (hereinafter "Board") expelling their son, A.G., from school following two positive drug tests. The petitioners also requested emergent relief, seeking to have their son placed back into school in the district immediately. On February 15, 2001, the Commissioner denied the petitioners' application for emergent relief, but directed the Board to provide home instruction to A.G. until the ultimate determination of this matter on the merits.

On February 27, 2001, the Board filed the instant appeal to the State Board of Education from that portion of the Commissioner's decision ordering it to provide home instruction to A.G. pending a final determination on the merits.

On March 8, 2001, the Commissioner denied the Board's Motion for Reconsideration/Clarification or Stay of his February 15, 2001 decision.

Pursuant to N.J.A.C. 6A:4-1.11(a), the Board's brief in support of its appeal to the State Board was due on March 19, 2001, 20 days after it filed its notice of appeal. The Board, however, failed to file a brief by that date. By letter dated March 23, 2001, the Director of the State Board Appeals Office notified the Board of its failure to file a brief and informed it that this matter was being referred to the Legal Committee of the State Board for consideration of its failure to perfect the appeal.

The Board has still failed to file a brief in support of its appeal, more than six weeks after the filing deadline. Nor has the Board offered any explanation for its failure to file or requested an extension of time for such filing. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

May 2, 2001

Date of mailing _____