

EDU # 679-01
C's # 37-02
SB # 15-02

S.G. and N.G., E.N. and F.N., on behalf of :
minor children, G.G., M.G. and E.G., :
 :
 PETITIONERS-APPELLANTS, : STATE BOARD OF EDUCATION
V. :
 : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF VOORHEES, :
CAMDEN COUNTY, :
 :
 RESPONDENT-RESPONDENT. :
_____ :

Decided by the Commissioner of Education, February 4, 2002

For the Petitioners-Appellants, John C. Penberthy, III, Esq.

For the Respondent-Respondent, Davis & Mendelson
(William C. Davis, Esq., of Counsel)

On March 11, 2002, the petitioners filed the instant appeal to the State Board of Education from a decision of the Commissioner of Education dated February 4, 2002, in which he rejected the petitioners' claim that their children were entitled to a free public education in Voorhees and directed the petitioners to pay tuition to the Voorhees Board for the period of their children's ineligible attendance in the district.

On March 14, 2002, the petitioners were advised that their notice of appeal was deficient in that it did not include a copy of the Commissioner's decision as required by N.J.A.C. 6A:4-1.7(c). They were given until March 20 to correct this deficiency.

On March 21, 2002, the counsel for the petitioners submitted the synopsis page of the Commissioner's decision. On March 22, counsel for the petitioners was reminded in a telephone call from the State Board Appeals Office that the regulations required him to submit a complete copy of the Commissioner's decision. Despite assurance from petitioners' counsel that a copy of the Commissioner's decision would be sent, he still has not submitted that decision.

Nor have the petitioners filed a brief in support of their appeal. Pursuant to N.J.A.C. 6A:4-1.11(a), the petitioners' appeal brief was due on April 1, 2002, 20 days after they filed their notice of appeal. The petitioners, however, failed to file a brief by that date. By letter dated April 4, 2002, the counsel for the petitioners was notified of his failure to file a brief and informed that this matter was being referred to the Legal Committee of the State Board for consideration of the petitioners' failure to perfect the appeal.

The petitioners have still failed to file a brief in support of their appeal, a month after the filing deadline. Nor have they offered any explanation for their 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 1, 2002

Date of mailing _____