

EDU #2447-04
C # 495-04
SB # 4-05

B.B., on behalf of minor child, B.B., :
PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
BORDENTOWN REGIONAL SCHOOL :
DISTRICT, BURLINGTON COUNTY, :
RESPONDENT-RESPONDENT. :

Decided by the Acting Commissioner of Education, December 6, 2004

Decision on Motion by the Deputy Commissioner of Education,
January 19, 2005

For the Petitioner-Appellant, B.B., pro se

For the Respondent-Respondent, Parker, McCay & Criscuolo, P.A. (Frank
P. Cavallo, Jr., Esq., of Counsel)

The appellant, B.B., filed a petition of appeal with the Commissioner of Education challenging the determination by the Bordentown Regional Board to impose a three-day in-school suspension on her daughter for alleged disobedience, use of profanity, disrespect to teacher, insubordination, harassment and inappropriate behavior. On December 6, 2004, the Acting Commissioner of Education dismissed the petition, finding that the appellant had not demonstrated that the Regional Board had acted in an arbitrary, capricious or unreasonable manner. On January 19, 2005, the Deputy Commissioner denied the appellant's motion for a stay.

On January 10, 2005, the appellant filed a notice of appeal with the State Board.

By letter dated February 18, 2005, the Director of the State Board Appeals Office notified the appellant that the Legal Committee of the State Board had granted her request for a 45-day extension nunc pro tunc for filing a brief in support of her appeal. The appellant was advised that her brief was due on April 4, 2005.

The appellant failed to file an appeal brief by the extended deadline of April 4. By letter dated April 7, 2005, the Director of the State Board Appeals Office notified the appellant of her failure to file a brief and informed her that this matter was being referred to the Legal Committee of the State Board for consideration of her failure to perfect the appeal.

The appellant has still failed to file a brief in support of her appeal, nearly two months after the extended deadline. Nor has she offered any explanation for such failure or requested an additional extension of time. 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 of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

June 1, 2005

Date of mailing _____