

EDU #4308-05
C # 72-07
SB # 7-07

L.A., on behalf of minor children, T.J.A. and P.M.A.,	:	
	:	
PETITIONER-APPELLANT,	:	STATE BOARD OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE CITY OF PORT REPUBLIC, ATLANTIC COUNTY,	:	
	:	
RESPONDENT-RESPONDENT.	:	

Decided by the Commissioner of Education, February 22, 2007

For the Petitioner-Appellant, F. John Caldwell, Jr., Esq.

For the Respondent-Respondent, Clement F. Lisitski, Esq.

Appellant, L.A., filed a petition with the Commissioner of Education contesting the determination of the Board of Education of the City of Port Republic to limit her presence in its elementary school. In a decision issued on February 22, 2007, the Commissioner of Education agreed with the Administrative Law Judge, dismissed the petition and affirmed the action of the board of education limiting appellant's access to its elementary school.

On March 27, 2007, appellant filed the instant appeal to the State Board.

Pursuant to N.J.A.C. 6A:4-1.11(a), appellant's brief in support of her appeal was due on April 16, 2007, 20 days after she filed her notice of appeal. On April 13, 2007, appellant, through her counsel, requested a 20 day extension of time, to May 7, 2007, to

file a brief in support of her appeal. Counsel for respondent had not consented to the request when it was made. By letter of April 16, 2007, the Acting Director of the State Board Appeals Office informed counsel for appellant that the Legal Committee of the State Board had granted the request for an extension of time to file appellant's brief to May 7, 2007. Appellant, however, failed to file a brief by that date. By letter dated May 9, 2007, the Acting Director of the State Board Appeals Office notified counsel for the appellant of his failure to file a brief and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of appellant's failure to perfect the appeal.

As previously stated, appellant's brief in support of her appeal was due on May 7, 2007 but was not filed by appellant's counsel. In that the brief was not filed, and counsel for appellant has failed to provide any explanation for the failure to file, 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 6, 2007

Date of mailing _____