



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

DISMISSAL

OAL DKT. NO. EDS 16341-24

AGENCY DKT. NO. 2025-37962

S.K. ON BEHALF OF K.K.,

Petitioner,

v.

BERNARDS TOWNSHIP BOARD

OF EDUCATION,

Respondent.

Monica Ahearn, Parent advocate, for petitioner S.K. (IncludeNJ)

Robin S. Ballard, Esq., for respondent (Schenck, Price, Smith & King, LLP,
attorneys)

Record Closed: December 2, 2024

Decided: December 2, 2024

BEFORE **MICHAEL STANZIONE**, ALJ:

STATEMENT OF THE CASE

Petitioner, S.K., on behalf of student K.K., filed this due process petition in which she sought placement in general education classes with 1:1 aide and pull-out resource for Math, English Language Arts, and Extended School Year.

On November 20, 2024, a notice was issued for a hearing on November 26, 2024, at 4:30, p.m. The notice provided the dial-in information the parties were to use to participate. Petitioner and the petitioner's advocate did not appear for the hearing. To date, petitioner has not submitted a letter of explanation regarding her failure to appear for the scheduled event. S.K. and the parent advocate has not otherwise communicated with the Office of Administrative Law about this matter.

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the non-appearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition.

Because the petitioner has failed to appear for a scheduled appearance and has not contacted the Office of Administrative Law to address these failures, I **CONCLUDE** that they have abandoned their appeal.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that this case be **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2022) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516 (2022). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education.

December 2, 2024

DATE


MICHAEL STANZIONE, ALJ

Date Received at Agency

Date Mailed to Parties:

MS/mg