

C #262-98L
SB # 56-98

P.K., on behalf of R.K., :
 :
 PETITIONER-APPELLANT, :
 :
 V. : STATE BOARD OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 MORRIS HILLS REGIONAL SCHOOL :
 DISTRICT, MORRIS COUNTY, :
 MANUEL E. DEUS, BOARD SECRE- :
 TARY, JAMES McNASBY, SUPERIN- :
 TENDENT AND BARRY SPETTER, :
 :
 RESPONDENT-RESPONDENT. :
 _____ :

Decided by the Commissioner of Education, June 17, 1998

For the Petitioner-Appellant, Jeffrey R. Grow, Esq.

For the Respondent-Respondent, Schenck, Price, Smith & King
(Sidney A. Sayovitz, Esq., of Counsel)

On June 17, 1998, the Commissioner of Education issued a letter decision in which he dismissed the petition filed by P.K. (hereinafter "appellant"), in which she contended that the Morris Hills Regional School District had unfairly banned her daughter R.K. from Project Graduation, a social event for seniors which was to take place after graduation ceremonies.

On June 19, 1998, appellant filed a notice of appeal with the State Board of Education. Appellant also requested a stay of the Commissioner's decision so as to enable R.K. to participate in Project Graduation. On June 22, the President of the State Board, acting pursuant to his authority under N.J.A.C. 6:2-3.3, denied appellant's

request for a stay. He also indicated that “following the completion of briefing by the parties...the full State Board of Education will render its decision in the underlying appeal in this matter.”

Pursuant to N.J.A.C. 6:2-1.11(a), appellant’s brief in support of her appeal was due on July 9, 1998, 20 days after she filed her notice of appeal. Appellant, however, failed to file a brief by that date. By letter dated July 15, 1998, the Director of the State Board Appeals Office notified the counsel for appellant of his failure to file a brief and informed him that this matter was being referred to the Legal Committee for consideration of appellant’s failure to perfect the appeal.

Counsel for appellant has still failed to file a brief in support of the appeal, eight weeks after the deadline for such filing. Nor has he offered any explanation for his failure to file a brief 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. 6:2-1.12(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).

September 2, 1998

Date of mailing _____