

EDU #3849-01
C # 101-03
SB # 11-03

B.S. and E.S., on behalf of minor child, J.S., :
PETITIONERS-APPELLANTS, :
V. : STATE BOARD OF EDUCATION
BOARDS OF EDUCATION OF THE : DECISION
BOROUGH OF WANAQUE AND :
THE BOROUGH OF RINGWOOD, :
PASSAIC COUNTY, :
RESPONDENTS-RESPONDENTS. :
_____ :

Decided by the Commissioner of Education, March 5, 2003

For the Petitioners-Appellants, Edward P. Azar, Esq.

For the Respondent-Respondent Board of Education of the Borough of
Wanaque, Schwartz, Simon, Edelstein, Celso & Kessler (Paul
Green, Esq., of Counsel)

For the Respondent-Respondent Board of Education of the Borough of
Ringwood, Porzio, Bromberg & Newman (Thomas O. Johnston,
Esq., of Counsel)

In a decision issued on March 5, 2003, the Commissioner of Education concluded that the petitioners had failed to establish that the Boards' refusal to change the location of their child's bus stop was arbitrary, capricious, unreasonable or discriminatory.¹ On April 8, 2003, the petitioners filed the instant appeal to the State Board of Education.

¹ We note that Wanaque provided transportation for its students through an agreement with Ringwood.

Pursuant to N.J.A.C. 6A:4-1.11(a), the petitioners' brief in support of their appeal was due on April 28, 2003, 20 days after they filed their notice of appeal. The petitioners, however, failed to file a brief by that date. By letter dated April 30, 2003, the Director of the State Board Appeals Office notified the petitioners of their failure to file a brief in support of the appeal and informed them that this matter was being referred to the Legal Committee of the State Board for consideration of their failure to perfect the appeal.

The petitioners have still failed to file a brief in support of their appeal, more than a month after the deadline for such filing. Nor have they offered any explanation for their failure to file or requested an 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 4, 2003

Date of mailing _____