

EDU #7169-04
C # 477-04
SB # 51-04

L.C., on behalf of minor children, :
Y.C. AND S.C., :
PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE CITY :
OF ORANGE TOWNSHIP, ESSEX COUNTY, :
RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, December 1, 2004

Decision on motion by the Commissioner of Education, January 3, 2005

For the Petitioner-Appellant, L.C., pro se

For the Respondent-Respondent, Love & Randall (Chandra Rainey Cole,
Esq., of Counsel)

The appellant, L.C., filed a petition of appeal with the Commissioner of Education challenging the determination by the City of Orange Township Board that she was not domiciled in Orange and, consequently, that her children were not entitled to a free public education in the district. On December 1, 2004, the Commissioner dismissed the petition, concluding that the appellant was not domiciled in Orange, and he directed the appellant to remit tuition to the Board for the period of her children's ineligible attendance in the amount of \$24,286 for the 2003-04 school year plus \$68.26 per child per diem for the period from September 1, 2004 to the date of their removal from the district.

On December 8, 2004, the appellant filed the instant appeal to the State Board, and on January 20, 2005, the briefing schedule was placed into abeyance at the appellant's request pending her receipt of transcripts from the hearing held in the Office of Administrative Law.

In a letter to the appellant dated May 18, 2005, the Director of the State Board Appeals Office ("Director") requested the status of the appellant's transcript order and inquired as to whether she still planned to proceed with her appeal. In a telephone response, the appellant indicated that she had not yet received the transcripts but that she still planned to proceed with this matter.

Several months later, in a letter to the appellant dated August 4, 2005, the Director requested an updated status:

Given the amount of time that has passed, please advise this office within ten days as to whether you still plan to proceed with this appeal. If we don't hear from you within ten days, this matter will be referred to the Legal Committee of the State Board of Education, and your appeal may be dismissed.

The appellant failed to respond to the August 4 letter. Nor did she submit transcripts from the hearing or file a brief in support of her appeal. While we are mindful of the appellant's status as a pro se litigant, we conclude under these particular circumstances that dismissal of the appeal is warranted.

October 19, 2005

Date of mailing _____