

EDU #4320-95
C # 530-96
SB # 95-96

BOARD OF EDUCATION OF THE :
TOWNSHIP OF LOGAN, GLOUCESTER :
COUNTY, :

PETITIONER-RESPONDENT, : STATE BOARD OF EDUCATION

V. : DECISION

BOARD OF EDUCATION OF THE :
BOROUGH OF PAULSBORO, :
GLOUCESTER COUNTY, :

RESPONDENT-APPELLANT. :

Decided by the Commissioner of Education, November 29, 1996

Decision on motion by the Commissioner of Education, January 14, 1997

Decision on motion by the State Board of Education, April 2, 1997

For the Petitioner-Respondent, Zane & Lozuke (Raymond J. Zane, Esq., of
Counsel)

For the Respondent-Appellant, Dilworth, Paxson, Kalish & Kauffman
(Suzette D. Bonfiglio, Esq., of Counsel)

On November 29, 1996, the Commissioner of Education issued a decision in which he granted the request of the Board of Education of the Township of Logan to terminate its sending-receiving relationship with the Board of Education of the Borough of Paulsboro (hereinafter "Paulsboro Board").

On December 20, 1996, the Paulsboro Board filed a notice of appeal with the State Board of Education. On December 26, 1996, the briefing schedule was placed in abeyance at the request of the Paulsboro Board pending its receipt of transcripts from the hearing held in the Office of Administrative Law in this matter.¹ The Paulsboro Board was also given until January 6, 1997 to file a substitution of attorney. A substitution of attorney was thereafter filed on December 30, 1996.

On January 24, 1997, the Paulsboro Board filed a motion for a stay of the Commissioner's decision, along with a brief in support of its motion. On April 2, 1997, we denied that motion.

On October 9, 1997, the director of the State Board Appeals Office notified the counsel for the Paulsboro Board that the briefing schedule in its appeal was being re-established "[i]n view of the amount of time that has been provided to you to obtain transcripts...." The Paulsboro Board was given until November 3, 1997 to file a brief in support of its appeal. The Paulsboro Board failed to file a brief by that date. By letter dated November 11, 1997, the counsel for the Paulsboro Board was advised that no appeal brief had been filed and that this matter was therefore being referred to the Legal Committee of the State Board for consideration of its failure to perfect the appeal.

The Paulsboro Board has still failed to file a brief in support of its appeal, more than two months after the extended deadline for such filing. Nor has the Paulsboro Board offered any explanation for its failure to file a brief or requested an additional extension of time for such filing.

¹ N.J.A.C. 6:2-1.11(a) provides that "the appellant shall serve and file a brief in support of the appeal within 20 days after the appeal has been filed."

The State Board of Education therefore dismisses 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).

January 7, 1998

Date of mailing _____