EDU #9986-99
  C's # 349-99EL
  SB #   53-99

R.E. AND L.E., on behalf of minor child, :
E.E.
                                         :
    PETITIONERS-APPELLANTS   :   STATE BOARD OF EDUCATION
                                         :
V.   :   DECISION
                                         :
BOARD OF EDUCATION OF THE
BOROUGH OF MADISON, MORRIS   :
COUNTY,
                                         :
    RESPONDENT-RESPONDENT
_____:

            Decided by the Commissioner of Education, November 3, 1999

            For the Petitioners-Appellants, Bernard Weiss, Esq.

            For the Respondent-Respondent, Rand, Algeier, Tosti & Woodruff (Ellen S.
                Bass, Esq., of Counsel)

        On November 3, 1999, the Commissioner of Education granted the Madison

Board's motion to dismiss "the outstanding issues in this matter, in that they are not

justiciable before me." Commissioner's Decision, slip op at 1. He therefore dismissed

the petition, in which the petitioners had challenged their son's suspension from school,

along with the petitioners' request for emergent relief.

        On December 3, 1999, the petitioners filed a notice of appeal with the State

Board of Education.

        Pursuant to N.J.A.C. 6:2-1.11(a), the petitioners' brief in support of their appeal

was due on December 23, 1999, 20 days after they filed their notice of appeal. The

petitioners, however, failed to file a brief by that date. By letter dated December 28, 1999, the Director of the State Board Appeals Office notified the petitioners of their failure to file a brief 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, six weeks after the deadline for such filing. Nor have they offered any explanation for their failure to file 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).

February 2, 2000

Date of mailing _____