

EDU # 6739-00  
C # 76-01  
SB # 13-01

A.D., on behalf of minor child, N.A.D., :  
PETITIONER-APPELLANT, :  
STATE BOARD OF EDUCATION  
V. :  
DECISION  
BOARD OF EDUCATION OF THE :  
BOROUGH OF NORTH PLAINFIELD, :  
SOMERSET COUNTY, :  
RESPONDENT-RESPONDENT. :

---

Decided by the Assistant Commissioner of Education, March 2, 2001

For the Petitioner-Appellant, DeMeo & LaVista (Alfonse A. DeMeo, Esq.,  
of Counsel)

For the Respondent-Respondent, Vogel & Gast (Theodore E. Gast, Esq.,  
of Counsel)

A.D. (hereinafter "appellant") filed a petition of appeal with the Commissioner of Education challenging a determination by the North Plainfield Board of Education that her daughter was not entitled to a free public education in the district after December 31, 1999. On March 2, 2001, an Assistant Commissioner of Education, acting on behalf of the Commissioner pursuant to authority granted by N.J.S.A. 18A:4-34, upheld the North Plainfield Board's determination.

On April 6, 2001, the appellant filed the instant appeal to the State Board of Education.

Pursuant to N.J.A.C. 6A:4-1.11(a), the appellant's brief in support of her appeal was due on April 26, 2001, 20 days after she filed her notice of appeal. Counsel for the appellant requested and was granted an extension for filing an appeal brief until May 11. He subsequently requested and was granted a second extension until May 18. The appellant, however, failed to file a brief by that date. By letter dated May 25, 2001, the Director of the State Board Appeals Office notified counsel for the appellant of his failure to file a brief in support of the appeal and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of the appellant's failure to perfect the appeal.

The appellant has still failed to file a brief in support of her appeal, more than seven weeks after the extended deadline for such filing and more than six weeks after her counsel was advised of such failure. Nor has the appellant offered any explanation for her failure to file or requested an additional 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).

July 10, 2001

Date of mailing \_\_\_\_\_