

C #177-98  
SB # 50-98

DENISE JONES, ET AL., :  
PETITIONERS-APPELLANTS, :  
V. : STATE BOARD OF EDUCATION  
LEO F. KLAGHOLZ, COMMISSIONER OF : DECISION  
EDUCATION, AND NEW JERSEY STATE :  
BOARD OF EDUCATION, :  
RESPONDENTS-RESPONDENTS. :

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Decided by the Commissioner of Education, April 28, 1998

Decision on motion by the State Board of Education, August 5, 1998

Decision on motion by the State Board of Education, October 7, 1998

For the Petitioners-Appellants, Education Law Center (David G. Sciarra, Esq., of Counsel) and Gibbons, Del Deo, Dolan, Griffinger & Vecchione (David B. Thronson, Esq., of Counsel)

For the Respondents-Respondents, Michelle Miller, Deputy Attorney General (Peter C. Harvey, Acting Attorney General of New Jersey)

This is an appeal from a summary decision rendered by the Commissioner of Education in April 1998. In that decision, the Commissioner dismissed a petition filed in July 1997 seeking declaratory relief on behalf of residents and taxpayers of Plainfield, along with students attending school in the Plainfield school district and their parents (hereinafter "petitioners"). The petitioners sought a determination from the Commissioner that the Plainfield school district is a "poorer urban school district" as

defined by the New Jersey Supreme Court in Abbott v. Burke, 119 N.J. 287 (1990). They claimed that the Plainfield school district was therefore entitled to the remedial measures mandated by the Court's subsequent decisions in that litigation commencing in the 1997-98 school year.

The matter was placed into abeyance in August 1999 at the petitioners' request pending settlement negotiations.

By letter dated March 28, 2003, the Director of the State Board Appeals Office notified counsel for the petitioners that, in light of the amount of time that had passed, the matter would be dismissed unless he responded in writing to the contrary by April 28, 2003. No response having been received, we dismiss the appeal in this matter.

June 4, 2003

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