



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

FAILURE TO APPEAR

OAL DKT. NO. EDS 9544-19

AGENCY DKT.NO. 2019-30136

**EDISON TOWNSHIP BOARD
OF EDUCATION,**

Petitioner,

v.

**V.V. AND G.V. ON BEHALF OF
N.V.,**

Respondents.

Alyssa K. Weinstein, Esq., for petitioner (Scarinci Hollenbeck, attorneys)

V.V. and G.V. on behalf of N.V., respondents, pro se

Record Closed: August 2, 2019

Decided: August 7, 2019

BEFORE **LISA JAMES-BEAVERS**, Acting Director and Chief ALJ:

Petitioner, Edison Township Board of Education seeks an order to deny parental request for an Independent Educational Evaluation (IEE) of minor student.

This matter was transmitted to the Office of Administrative Law (OAL) for a due process hearing. The OAL received the matter on July 17, 2019 and an initial hearing

was scheduled for August 1, 2019. Respondents failed to appear on their scheduled date and despite having been given well over the required time, have not called or written to the undersigned to explain their failure to appear.

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the non-appearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition. Respondents failed to appear at the scheduled proceeding and failed to provide a documented explanation for their non-appearance one day following their non-appearance. Accordingly, the Clerk should return this matter to the Office of Special Education pursuant to the above-cited rule.

Accordingly, it is **ORDERED** that the request for an IEE is denied.

CONCLUSION

Based on the foregoing facts and the applicable law, I **CONCLUDE** that respondents have failed to appear and that it should be returned to the transmitting agency.

ORDER

It is **ORDERED** that the Clerk return this matter to the Office of Special Education of the New Jersey Department of Education.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2017) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516 (2017). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education Programs.

August 7, 2019

DATE



LISA JAMES-BEAVERS
Acting Director and Chief
Administrative Law Judge

Date Received at Agency _____

Date Mailed to Parties: _____

caa