



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

DISMISSAL

OAL DKT. NO. EDS 01350-23

AGENCY DKT. NO. 2023-35438

J.G. ON BEHALF OF J.G.,

Petitioner,

v.

PRINCETON PUBLIC SCHOOLS,

BOARD OF EDUCATION,

Respondent.

J.S., petitioner pro se

Brett E. Gorman, Esq., for respondent (Parker McCay, P.A., attorneys)

Record Closed: March 2, 2023

Decided: March 9, 2023

BEFORE **JOAN M. BURKE**, ALJ:

This case which arises under the Individuals with Disabilities Education Act, 20 U.S.C.A. §§1401 to 1484(a) and C.F.R. §§300.500. On January 26, 2023, petitioner submitted a parental request for an expedited due process proceeding to the New Jersey Department of Education, Office of Special Education (OSE). The OSE transmitted the expedited due process request to the Office of Administrative Law (OAL), where it was filed on February 14, 2023, to be heard as an expedited contested matter. N.J.S.A. 52:14B-1 to 14B-15; N.J.S.A. 52:14F-1 to 14F-13.

This matter was originally set to be heard by Honorable Tricia Caliguire. A prehearing telephone conference was scheduled for February 22, 2023. Counsel for the Board, Brett Gorman, was away but did send an email that he was unable to attend. Petitioner did not respond. A hearing was scheduled for March 7, 2023. The matter was transferred to the undersigned for further handling on February 24, 2023. A prehearing conference was scheduled for February 27, 2023, and a hearing was scheduled for March 2, 2023. Notices advising of the telephone prehearing conference and hearing dates were emailed to the parties on February 24, 2023. On February 27, 2023, the petitioner failed to dial in for the telephone prehearing conference. The hearing was scheduled for March 2, 2023, via the Zoom platform for 2 p.m. The parties waited until 2:35 p.m. for petitioner to appear via Zoom but she failed to do so. To date, petitioner has not contacted this tribunal to explain why she did not appear for the February 27, 2023, prehearing conference or the March 2, 2023, hearing or participate in this process. Accordingly, the petition is therefore **DISMISSED** without prejudice for failure to pursue a claim of action under N.J.A.C. 1:1-14.4.

ORDER

Based upon the foregoing, it is **ORDERED** that the due process petition filed by petitioner should be returned to the Department of Education, Office of Special Education, for dismissal of the petition **without prejudice**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2022) 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 (2022). 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.



March 9, 2023

DATE

JOAN M. BURKE, ALJ

Date Received at Agency

Date Mailed to Parties:

JMB /tat