

BETHLEHEM TOWNSHIP EDUCATION :
ASSOCIATION, :
 :
PETITIONER, :
 :
V. : COMMISSIONER OF EDUCATION
 :
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF BETHLEHEM, :
HUNTERDON COUNTY, :
 :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner sought to compel the respondent Board to set a school year start date on or after September 1 rather than the August 24, 2011 date which petitioner alleged was arbitrarily imposed. A motion for emergent relief in this matter was denied on July 8, 2011 as untimely. The case continued in the Office of Administrative Law (OAL) to determine whether any further issue needed to be decided, and to conclude the case.

The ALJ found that: the threshold matter in this case is the timeliness of petitioner's appeal; the Board took action at a public meeting on September 21, 2010 which established August 24, 2011 as the first day of school for the 2011-2012 school year; pursuant to *N.J.A.C. 6A:3-1.3(i)*, the 90-day window for filing a challenge to this action was December 20, 2010; and petitioner did not file the instant petition until June 3, 2011. Accordingly, the ALJ concluded that the petition was clearly out of time, and dismissed the petition.

Upon consideration, the Commissioner concurred with the ALJ that the petition was not timely filed in accordance with *N.J.A.C. 6A:3-1.3(i)* and dismissed the appeal.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

September 22, 2011

OAL DKT. NO. EDU 6313-11
AGENCY DKT. NO. 142-6/11

BETHLEHEM TOWNSHIP EDUCATION ASSOCIATION,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP OF BETHLEHEM, HUNTERDON COUNTY,	:	DECISION
	:	
RESPONDENT.	:	
_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge that the petition was not timely filed in accordance with *N.J.A.C.* 6A:3-1.3(i). Accordingly, the petition of appeal is dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 22, 2011

Date of Mailing: September 22, 2011

* Pursuant to *P.L.* 2008, c. 36 (*N.J.S.A.* 18A:6-9.1), Commissioner decisions are appealable to the Superior Court, Appellate Division.