

SB #21-97

IN THE MATTER OF THE GRANT OF :
THE CHARTER SCHOOL APPLICATION : STATE BOARD OF EDUCATION
OF THE GREATER BRUNSWICK : DECISION ON MOTION
REGIONAL CHARTER SCHOOL, :
MIDDLESEX COUNTY. :

Decided by the Commissioner of Education, January 31, 1997

Decision on motions by the State Board of Education, March 4, 1997

Decided by the State Board of Education, March 26, 1997

Decision on motion by the State Board of Education, April 2, 1997

Decision on motion by the Appellate Division, May 1, 1997

For the Appellant Highland Park Board of Education, Apruzzese, McDermott,
Mastro & Murphy (James L. Plosia, Jr., Esq., of Counsel)

For the Respondent, Philip Allan Borow, Esq.

For the Milltown Board of Education, Borrus, Goldin, Foley, Vignuolo, Hyman
& Stahl (Anthony B. Vignuolo, Esq., of Counsel)

On March 26, 1997, the State Board of Education reversed the determination of the Commissioner of Education approving the grant of a charter to the Greater Brunswick Regional Charter School ("Charter School").

On April 1, 1997, the Charter School filed a motion with the State Board seeking a stay of our decision on an emergent basis. By decision of April 2, we denied that motion, finding that the application failed to meet the standards that would entitle the Charter School to relief.

On April 22, 1997, the Charter School filed an appeal to the Appellate Division challenging our March 26 determination and seeking emergent relief from the Court in the form of a stay or accelerated review. On May 1, 1997, the Appellate Division denied the Charter School's application for emergent relief.

On May 15, 1997, the Charter School withdrew its appeal to the Appellate Division, and on May 16 filed the instant motion with the State Board seeking reconsideration of our March 26 determination.¹ In response, the Highland Park Board has moved for dismissal of the Charter School's motion for reconsideration.

It is well settled that an administrative agency has the inherent power, in the absence of legislative restriction, to reopen or modify a previous determination. Duvin v. State, 76 N.J. 203, 207 (1978). Such power, however, must be exercised reasonably and invoked only for good cause shown. Id.

After a careful review of the papers filed in this matter, we deny the Charter School's motion. As set forth in our written decision issued on April 2, our determination was based on the terms of the applicable statutes because we had not yet adopted regulations implementing those statutes. As detailed in our decision, we found that the Charter School's application failed to meet minimal statutory standards even considering the addenda which the Charter School had provided to the

Commissioner. The Charter School has not provided any new information in support of the instant motion which would give us cause to revisit that determination, and we therefore deny the motion. Given our disposition of this motion, we need not consider Highland Park's counter-motion to dismiss.

S. David Brandt and Daniel J. P. Moroney abstained.

June 4, 1997

Date of mailing _____

¹ Although the Charter School captioned its motion as "a motion for relief from judgment," the relief it is seeking is reconsideration.