

SBE #448-05/97-143
SB # 66-98

IN THE MATTER OF THE REVOCATION :
OF THE TEACHING CERTIFICATES OF :
NORMA POLLARD BY THE STATE : STATE BOARD OF EDUCATION
BOARD OF EXAMINERS. : DECISION

Decided by the State Board of Examiners, April 2, 1998

For the Petitioner-Respondent, Arlene G. Lutz, Deputy Attorney General
(Peter Verniero, Attorney General of New Jersey)

For the Respondent-Appellant, Norma Pollard, pro se

On April 2, 1998, the State Board of Examiners rendered a decision, mailed on June 9, 1998, in which it revoked the teaching certificates of Norma Pollard (hereinafter "appellant") for unbecoming conduct.

On July 8, 1998, appellant, acting pro se, filed a notice of appeal with the State Board of Education.

Pursuant to N.J.A.C. 6:2-1.11(a), appellant's brief in support of her appeal was due on July 28, 1998, 20 days after she filed her notice of appeal. Appellant, however, failed to file a brief by that date. By letter dated August 13, 1998, the Director of the State Board Appeals Office notified appellant of her failure to file a brief and informed her that this matter was being referred to our Legal Committee for consideration of her failure to perfect the appeal.

On August 27, 1998, appellant requested a 100-day extension in which to file a brief in support of her appeal "[a]s the result of filing PRO SE and extenuating

circumstances.” In response, the Director of the State Board Appeals Office notified appellant by letter dated August 27 that in order for the Legal Committee to consider her request, she was required to submit an affidavit explaining both why her appeal brief was not filed in a timely manner and why she had failed to request an extension for such filing until 30 days after the brief had been due. Appellant was further advised that her affidavit was required to provide an explanation of the extenuating circumstances supporting her request for an extension.¹

On September 8, 1998, appellant filed an affidavit in which she indicated that:

The request for a 100 day extension to file an appeal brief is due to the fact that I am unable to obtain an attorney. Therefore, the RESPONDENT is filing PRO SE. The format, and presentation of the brief requires skillful preparation.

For over two years the respondent has been involved with the critical illness of a family member which has tremendously [sic] impacted upon her.

Appellant provided no details regarding her inability to obtain an attorney or the efforts she had made, if any, to obtain counsel. Nor did she offer any explanation for her failure to request an extension for filing her brief until a month after the filing deadline.

While we are mindful of appellant’s pro se status, we conclude that she has not provided sufficient justification for granting her request. Appellant’s inability to obtain legal counsel does not excuse her prolonged failure to request an extension for filing her brief. Consequently, we deny appellant’s request for a 100-day extension and dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6:2-1.12(a). See

¹ Extensions for filing briefs “may be obtained for a period not to exceed an accumulated total of 30 days for all extensions in one case.” N.J.A.C. 6:2-1.5(b). “Further extensions of time may be granted only by leave of the Legal Committee upon a showing of good cause.” N.J.A.C. 6:2-1.5(d).

Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

October 7, 1998

Date of mailing _____