

SB #10-00

IN THE MATTER OF THE DENIAL OF THE :
CHARTER SCHOOL APPLICATION OF THE : STATE BOARD OF EDUCATION
LIBERTY ACADEMY CHARTER SCHOOL, : DECISION
SOMERSET COUNTY. :

Decided by the Commissioner of Education, January 6, 2000

For the Appellant, Michael Detsis, pro se

For the Participant, Dina Rocco, Deputy Attorney General (John J. Farmer,
Attorney General of New Jersey)

On February 5, 2000, the president/co-founder of the proposed Liberty Academy Charter School (hereinafter "appellant") filed an appeal to the State Board of Education from a letter decision of the Commissioner of Education denying his application to establish a charter school. On February 25, 2000, the Director of the State Board Appeals Office ("Director") advised the appellant that the Commissioner had provided the State Board with the record in this matter and that the briefing schedule was therefore being established. She informed the appellant that a brief in support of his appeal was due on or before March 10, 2000.

The appellant, however, failed to file a brief by that date. By letter dated March 14, 2000, the Director advised the appellant of his failure to file a brief and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of his failure to perfect the appeal.

By letter dated April 26, 2000, the Director further advised the appellant that "given the circumstances, and in view of your pro se status, you are being given the opportunity to file your brief along with an explanation, and the request that the Legal Committee accept the brief." The appellant was given until May 15, 2000 to file such documents, and the Director attached a copy of the regulations governing appeals to the State Board.

The appellant, however, failed to file a brief by May 15. By letter dated May 25, 2000, the Director advised the appellant of such failure and again indicated that the matter was being referred to the Legal Committee. The appellant has still failed to file a brief in support of his appeal, nearly two months after the extended deadline. Nor has he offered any explanation for his failure to file or requested an extension of time for such filing. Given these circumstances, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

Arnold G. Hyndman abstained.

July 5, 2000

Date of mailing _____