

SB #55-00

IN THE MATTER OF THE REVOCATION OF :  
THE CHARTER OF THE SIMON BOLIVAR : STATE BOARD OF EDUCATION  
CHARTER SCHOOL, ESSEX COUNTY. : DECISION

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Decided by the Assistant Commissioner of Education, September 1, 2000

For the Appellant, Harold R. Edwards, Sr.

On September 29, 2000, the Chairperson of the Simon Bolivar Charter School (hereinafter "appellant") filed an appeal to the State Board of Education from a letter decision of the Assistant Commissioner of Education revoking the school's charter. On October 2, 2000, the Director of the State Board Appeals Office (hereinafter "Director") advised the appellant that:

we are unaware of anything that would authorize a non-lawyer to represent a corporation in legal proceedings before an administrative agency. Therefore, a letter of representation from an attorney who will be representing the charter school's interests is required before proceedings to resolve the appeal can occur. We are placing this matter in abeyance pending receipt of a letter of representation.

The appellant was further advised that the notice of appeal was deficient in that it did not include proof of service on the Commissioner or the State-Operated School District of Newark, as required by N.J.A.C. 6A:4-1.6(a).

By letter dated October 12, 2000, the Director advised the appellant that the record on appeal had been received as required by N.J.A.C. 6A:4-1.8(b), but that the

deficiencies addressed in her letter of October 2 were required to be corrected before the appeal could be considered.

The appellant did not respond to either letter. By letter dated December 5, 2000, the Director notified the appellant that unless a letter of representation was received by December 20, 2000, the appeal would be referred to the Legal Committee of the State Board for consideration of whether to dismiss it for failure to perfect.

The appellant has still failed to provide a letter of representation or proof of service of its notice of appeal on the Commissioner and State-operated District, more than four months after its appeal was filed. Nor has the appellant responded in any way to any of the above-mentioned correspondence. 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).

February 7, 2001

Date of mailing \_\_\_\_\_