

SB # 25-07

IN THE MATTER OF THE DENIAL OF THE : STATE BOARD OF EDUCATION  
CHARTER SCHOOL APPLICATION OF :  
THE WINSLOW PUBLIC CHARTER SCHOOL, : DECISION  
CAPE MAY COUNTY. :  
\_\_\_\_\_ :

Decided by the Commissioner of Education, August 27, 2007

For the Appellant, Dr. Angela M. Davenport, pro se

For the Respondent, Joyce D. Atkins, Deputy Attorney General (Anne M. Milgram, Attorney General of New Jersey)

Appellant, the proposed Winslow Public Charter School, filed an application with the Commissioner of Education seeking approval to operate a public charter school. In a decision issued on August 27, 2007, the Commissioner of Education disqualified appellant's application from consideration because it was submitted beyond the deadline of 4:00 p.m. on July 16, 2007.

On September 12, 2007, appellant filed an appeal of the Commissioner's determination with her, and that filing was transferred to the State Board Office and acknowledged as having been filed September 9, 2007, three days prior to receipt, in accordance with N.J.A.C. 6A:4-1.6.

Pursuant to N.J.A.C. 6A:4-1.8(b) and N.J.A.C. 6A:4-1.11(a), appellant's brief in support of its appeal was due 20 days after the filing of the record on appeal by the Commissioner of Education. The record on appeal was filed with the State Board of Education on October 10, 2007, and appellant's brief was due October 30, 2007. By letter dated November 2, 2007, the Acting Director of the State Board Appeals Office notified the appellant of its failure to file a brief and informed it that this matter was being

referred to the Legal Committee of the State Board for consideration of appellant's failure to perfect the appeal.

As previously stated, appellant's brief in support of its appeal was due on October 30, 2007 but was not filed by appellant. In that the brief was not filed, and appellant has failed to provide any explanation for the failure to file or requested an extension of time for such filing, 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 of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

December 5, 2007

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