

SB #13-08

IN THE MATTER OF THE DENIAL :
OF THE CHARTER SCHOOL : STATE BOARD OF EDUCATION
APPLICATION OF THE CAMDEN : DECISION
ENVIRONMENTAL CHARTER :
SCHOOL. :

Decided by the Commissioner of Education, January 15, 2008

For the Appellant, Scarinci & Hollenbeck, L.L.C. (Bruce W. Padula,
Esq.)

For the Participant Commissioner of Education, Cynthia Raymond
Rimol, Deputy Attorney General (Anne Milgram, Attorney
General of New Jersey)

This is an appeal of a January 15, 2008, decision of the Commissioner of Education (“Commissioner”) that denied Appellant’s application for a charter. After an appeal was filed by Appellant, on April 29, 2008, Appellant filed a motion to supplement the record with information relating to another charter school whose application had been approved. The information, which included the Department of Education’s 2007 Charter School Application Report, the Tally Sheets and Application Scoring Rubrics for the Paul Robeson Charter School for the Humanities, is offered to purportedly show that the Commissioner’s decision to deny the Appellant’s charter application was arbitrary, capricious and unreasonable because both schools allegedly received comparable scores in several areas. Appellant asserts that a comparison of these documents with

their application will demonstrate that the nature of the review process produced disparate results. This motion was opposed by the Commissioner on the basis that the information is immaterial to the instant appeal. We agree.

After a thorough review of the papers filed on the motion, we conclude that the proposed supplemental information is not material to the issue on appeal, N.J.A.C. 6A:4-1.9(b), and we deny Appellant's motion to supplement the record. The fact that the Robeson Charter School for the Humanities was granted a charter does not render the document relevant to a determination of this appeal. The State Board does not oppose Appellant's use of documents from the related entities, namely Camden Career Education Charter School, Camden Environmental Charter School and Trenton Career Education Charter School. However, the documents proffered by Appellants for inclusion in the record on appeal relating to the Robeson Charter School for the Humanities are not relevant to such a determination and are therefore not properly included in the record on appeal pursuant to N.J.A.C. 6A:4-1.9(b).

Florence McGinn did not participate in the vote.

June 18, 2008

Date of mailing _____