

#202-15 (OAL Decision: Not yet available online)

CAROL GRAVES, ET. AL., :
PETITIONERS, :
V. : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT : DECISION
OF THE CITY OF NEWARK, ESSEX :
COUNTY AND CAMI ANDERSON, :
SUPERINTENDENT, :
RESPONDENTS. :
_____ :

SYNOPSIS

Petitioners – who include public school parents and students, taxpayers and teachers employed in Newark schools – asserted, *inter alia*, that the State-Operated School District of the City of Newark’s “One Newark” reorganization plan (the Plan) violated the constitutional rights of Newark children to receive a thorough and efficient public education. Respondents filed a motion to dismiss, contending, *inter alia*, that the petition was untimely filed and that petitioners lack standing to assert their claims.

In considering the within case, the ALJ found that the appeal sought to remedy the disparity in achievement between students in poor urban school districts such as Newark and those in wealthier suburban districts – issues of educational inequality which have plagued educators for years. Nevertheless, she found that the current petition is fraught with procedural and substantive deficiencies such that the District’s motion to dismiss must be granted. In so determining, the ALJ concluded, *inter alia*, that: petitioners’ challenge to the Plan in counts two and three of the petition was untimely; 22 of the 25 petitioners lacked standing to bring the within claims, and the claims of the three remaining petitioners were not ripe for adjudication; no facts were alleged in support of the claim in count three that the District violated the Charter School Act; and the fourth count, pertaining to desegregation, failed to name indispensable parties. Accordingly, the ALJ dismissed the petition.

Upon comprehensive review, the Commissioner concurred with the findings and conclusions of the ALJ and adopted the Initial Decision as the final decision in this matter. The petition was dismissed.

<p>This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

June 15, 2015

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This matter involves a challenge by a group of petitioners to the “One Newark Plan” implemented by the State-Operated School District of the City of Newark. The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed.¹

Upon a comprehensive review of the record, the Commissioner concurs with the Administrative Law Judge – for the reasons thoroughly outlined in the Initial Decision - that all of the Counts in the petition of appeal should be dismissed. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: June 15, 2015

Date of Mailing: June 16, 2015

¹ On June 1, 2015, the petitioners filed a Motion to File Untimely Exceptions. In their motion, the petitioners concede that their exceptions were due on or before May 13, 2015, as required by *N.J.A.C.* 1:1-18.4. Yet it was not until June 1, 2015 that the petitioners filed their motion. Moreover, there was ample opportunity for the petitioners to seek an extension of time to file exceptions prior to the expiration of the time for filing exceptions. The petitioners have not provided any compelling reason as to why the exception filing deadline should be relaxed. Therefore, the petitioners’ Motion to File Untimely Exceptions is hereby denied. As a result, the untimely exceptions that were simultaneously filed with the petitioners’ motion papers were not considered.

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).