

C # 101-00L
SB # 27-00

FRED ENGLE, THE ESTATE OF PASQUALE :
RAIMONDO, PHILIP MARAVIGLIA AND :
TERESA CAPRIGLIONE, :
PETITIONERS-APPELLANTS, : STATE BOARD OF EDUCATION
V. : DECISION
STATE-OPERATED SCHOOL DISTRICT :
OF THE CITY OF NEWARK, ESSEX :
COUNTY, :
RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, March 30, 2000

For the Petitioners-Appellants, Oxfeld, Cohen, LLC (Sanford R. Oxfeld, Esq., of Counsel)

For the Respondent-Respondent, Sills, Cummis, Radin, Tischman, Epstein & Gross (Cherie L. Maxwell, Esq., of Counsel)

The decision of the Commissioner of Education to dismiss the petition in this matter for failure to file in a timely manner, N.J.A.C. 6:24-1.2(c) [now codified at N.J.A.C. 6A:3-1.3(d)], is affirmed for the reasons expressed therein. We agree with the Commissioner that the December 14, 1998 letter from the counsel for the State-operated District to the counsel for the petitioners provided the petitioners with clear and adequate notice of the District's position. The only subsequent correspondence in the record is from the counsel for the petitioners, in which he attempted to modify the District's stance. Indeed, the petitioners did not file their petition until January 24, 2000,

more than a year after the District had provided them with notice of its position and four months after their counsel had sent a final correspondence to another attorney at the law firm representing the District.

August 2, 2000

Date of mailing _____