

C # 191-07
SB # 13-07

T.B. and M.B., on behalf of minor child, S.B., :
PETITIONERS-APPELLANTS, : STATE BOARD OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
BOROUGH OF PARK RIDGE, :
BERGEN COUNTY, AND DR. :
PATRICIA JOHNSON, PARK RIDGE :
SUPERINTENDENT OF SCHOOLS, :
RESPONDENTS-RESPONDENTS. :

Decided by the Commissioner of Education, May 24, 2007

For the Petitioners-Appellants, T.B. and M.B., pro se

For the Respondents-Respondents, Kenney, Gross, Kovats & Parton
(Daniel R. Roberts, Esq., of Counsel)

Appellants, T.B. and M.B., filed a petition of appeal with the Commissioner of Education in April 2007 seeking reimbursement of the \$400 cost of a summer school Chemistry class taken by their daughter S.B. that appellants argued was necessitated by unfair and discriminatory treatment of their daughter by her Chemistry teacher during the 2005-2006 school year, and the respondent board and superintendent's failure to take appropriate corrective action. In response to respondents' motion to dismiss the petition as untimely, the Commissioner dismissed appellants' petition because it was filed outside the 90 day time period for filing appeals with the Commissioner, and

because the relief requested in the petition, \$400 in consequential damages, is not within the Commissioner's jurisdiction to award.

On June 8, 2007 appellants filed the instant appeal to the State Board. In addition to setting forth their arguments as to why the determination of the Commissioner should be reversed, appellants attached to their brief in support of their appeal several documents that were not part of the record on appeal. Respondents contest the inclusion of the documents in appellants' appendix.

In accordance with N.J.A.C. 6A:4-1.9(b), the State Board hereby supplements the record on appeal with Exhibits A through F attached to appellants' brief in support of their appeal, which consist of copies of correspondence between appellants and employees of respondent dated September 2, 2006, February 14, 2007, September 6, 2006, September 20, 2006, October 3, 2006, and November 29, 2006. In addition, after a thorough review of the parties' briefs, the decision below and the record on appeal, including the above referenced documents, the State Board affirms the decision of the Commissioner of Education to dismiss appellants' petition of appeal for the reasons set forth in her decision.

September 5, 2007

Date of mailing _____