

SB #6-99

IN THE MATTER OF THE DENIAL OF :
THE CHARTER SCHOOL APPLICATION : STATE BOARD OF EDUCATION
OF THE IBRAHIM CHARTER SCHOOL, : DECISION
PASSAIC COUNTY. :

Decided by the Commissioner of Education, January 29, 1999

For the Appellant, Syed M. Tariq-Shuaib, pro se

For the Participant Commissioner of Education, Michelle L. Miller, Deputy
Attorney General (Peter Verniero, Attorney General of New Jersey)

Ibrahim Charter School (hereinafter “appellant”) filed an appeal to the State Board of Education from a letter decision of the Commissioner of Education dated January 28, 1999 denying its application to establish a charter school in the 1999-2000 academic year. The Commissioner indicated in his letter that the appellant had submitted an incomplete application which was lacking in detail. He further indicated that the financial data submitted by the appellant was not relevant to the proposed school and that a cash flow statement had not been provided.

Appellant subsequently requested to include an additional document in the record of this matter, contending that the record, which was prepared for the State Board by the Deputy Attorney General representing the Commissioner in this appeal, omits an “addended complete application” it had filed with the Commissioner. The Commissioner opposes this request, stating that appellant had not filed its “addended”

application until February 8, 1999, after its previously submitted application had been rejected.¹

We have considered the arguments made by the appellant in light of the record provided to us on behalf of the Commissioner, including the application submitted by the appellant and the recommendation of the Department's reviewers to deny that application. On the basis of this review, we conclude that the appellant has failed to demonstrate an entitlement to establish a charter school pursuant to N.J.S.A. 18A:36A-1 et seq.

In so doing, we have not considered the "addended" application submitted to us by the appellant. The appellant does not dispute the Commissioner's assertion that this application was not filed in a timely manner. Rather, appellant argues that it was denied the opportunity to modify the application it had previously submitted or to provide an addendum thereto. The regulations governing charter schools, N.J.A.C. 6A:11-1.1 et seq., authorize the filing of "subsequent information as addenda to [charter school] applications" only upon request of the Department of Education. N.J.A.C. 6A:11-2.1(c). In this case, the Department did not request additional information from the appellant.

The State Board of Education therefore affirms the Commissioner's decision to deny appellant the grant of a charter for 1999-2000.

March 3, 1999

Date of mailing _____

¹ We note that charter school applications are required to be filed with the Commissioner no later than August 15 in the year prior to starting a charter school. N.J.A.C. 6A:11-2.1(b)3.