

SB #51-00

IN THE MATTER OF THE DENIAL OF :  
THE CHARTER SCHOOL APPLICATION : STATE BOARD OF EDUCATION  
OF NEWARK PREP, THE CHARTER : DECISION  
SCHOOL FOR HEALTH SCIENCES :  
AND TECHNOLOGY, ESSEX COUNTY. :

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Decided by the Acting Commissioner of Education, September 1, 2000

For the Appellant, Warren, Tosi & Semeraro, P.C. (Dwayne D. Warren, Esq.,  
of Counsel)

By letter dated September 1, 2000, Acting Commissioner of Education Jeffrey V. Osowski notified the proposed Newark Prep, the Charter School for Health Sciences and Technology (hereinafter "appellant"), that it was being denied final approval to operate a charter school as a result of its failure to secure an appropriate facility. On September 6, 2000, counsel for the appellant wrote to the Acting Commissioner requesting to file an appeal from that determination. By letter dated September 8, 2000, the Director of the State Board Appeals Office (hereinafter "Director") informed counsel for the appellant that his letter was being considered as a notice of appeal to the State Board of Education. He was further advised that the briefing schedule was being placed in abeyance pending preparation of a statement of items comprising the record on appeal by the Attorney General's Office pursuant to N.J.A.C. 6A:4-1.8(b).

Following receipt of the record on appeal, the Director notified counsel for the appellant by letter dated September 22, 2000 that the appellant's brief in support of its appeal was due on October 16, 2000. The appellant, however, failed to file a brief by that date. By letter dated November 1, 2000, the Director notified the counsel for the appellant of his failure to file a brief and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of the appellant's failure to perfect the appeal.

The appellant has still failed to file a brief in support of its appeal, more than seven weeks after the deadline for such filing and five weeks after it was notified of such failure. Nor has the appellant offered any explanation for its failure to file or requested an extension of time for such filing. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

December 6, 2000

Date of mailing \_\_\_\_\_