

IN THE MATTER OF THE GRANT OF THE :
CHARTER SCHOOL APPLICATION OF : STATE BOARD OF EDUCATION
THE BERGEN ARTS AND SCIENCE : DECISION
CHARTER SCHOOL, BERGEN COUNTY. :

Decided by the Acting Commissioner of Education, January 13, 2006

For the Appellant, Richard E. Salkin, Esq.

For the Respondent, Osman Oztoprak, pro se

By letter dated January 13, 2006, the Acting Commissioner of Education granted contingent approval to the application submitted by the proposed Bergen Arts and Science Charter School to operate a charter school pursuant to the Charter School Program Act of 1995, N.J.S.A. 18A:36A-1 et seq. On February 6, 2006, the Hackensack Board of Education filed a notice of appeal with the State Board challenging the Acting Commissioner's decision.

An extension for filing an appeal brief was granted to the Hackensack Board at its request, and counsel for the Board was informed by letter dated March 2, 2006 from the Director of the State Board Appeals Office that the Board's brief in support of its appeal was due on April 21, 2006. The Board, however, failed to file a brief by that date. By letter dated April 24, 2006, counsel for the Board was notified of his failure to file a brief and informed that this matter was being referred to the Legal Committee of the State Board for consideration of the Board's failure to perfect the appeal.

Counsel for the Hackensack Board has still failed to file a brief in support of the appeal, more than six weeks after the extended due date. Nor has he offered any explanation for such failure or requested an extension of time. 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 of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

June 7, 2006

Date of mailing _____