

EDU #7641-03  
C # 91-06  
SB # 14-06

LYDIA ANDERSON, :  
 :  
 PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION  
 :  
 V. : DECISION ON MOTION  
 :  
 BOARD OF EDUCATION OF THE :  
 TOWNSHIP OF IRVINGTON, ESSEX :  
 COUNTY, :  
 :  
 RESPONDENT-RESPONDENT. :

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Decided by the Acting Commissioner of Education, March 7, 2006

For the Petitioner-Appellant, Lydia Anderson, pro se

For the Respondent-Respondent, Hunt, Hamlin & Ridley (Lester E. Taylor, Esq., of Counsel)

In May 2003, the appellant, Lydia Anderson, a non-tenured teacher, filed a petition of appeal with the Commissioner of Education challenging the determination by the Irvington Board not to renew her employment for the 2002-03 school year, alleging that the actual reason for her non-renewal was her national origin. The matter was transmitted to the Office of Administrative Law as a contested case, discovery was conducted by the parties, and a hearing was held on September 7 and 8, 2005. The record closed on December 12, 2005. On January 20, 2006, the Administrative Law Judge ("ALJ") recommended dismissing the petition, concluding that the appellant had

not proven discrimination. On March 7, 2006, the Acting Commissioner<sup>1</sup> adopted the ALJ's recommendation and dismissed the petition.

On March 29, 2006, the appellant filed an appeal to the State Board. The briefing schedule was placed in abeyance several times at the appellant's request, and, on March 23, 2007, the appellant filed the instant motion to compel the Irvington Board to produce certain documents. Specifically, the appellant seeks a copy of her complete personnel file, the minutes of a special meeting of the Irvington Board held on June 27, 2002, and all other relevant documents.

After reviewing the papers filed, we deny the appellant's motion. The instant motion was filed on March 23, 2007, nearly four years after the appellant filed her petition with the Commissioner, 15½ months after the record closed during the proceedings in the Office of Administrative Law, more than a year after the Acting Commissioner issued her decision, and nearly a year after the appellant filed her appeal with the State Board. The appellant has not provided any explanation for the delay in seeking the materials at issue, and she does not contend that the documents were not available or could not be obtained at the time of the proceedings in the Office of Administrative Law. Under these circumstances, we deny the appellant's motion.

Kenneth J. Parker abstained.

May 2, 2007

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

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<sup>1</sup> We note that on October 16, 2006, Acting Commissioner Lucille E. Davy was confirmed as the Commissioner of Education.