

EDU #4561-05
C # 352-05
SB # 45-05

JUDY A. MAZZEO, :
PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF BARNEGAT, :
OCEAN COUNTY, :
RESPONDENT-RESPONDENT. :

Decided by the Acting Commissioner of Education, September 29, 2005

For the Petitioner-Appellant, Robert M. Schwartz, Esq.

For the Respondent-Respondent, Parker McCay (James F. Schwerin,
Esq., of Counsel)

After a thorough review of the record, the State Board of Education affirms the decision of the Acting Commissioner of Education to dismiss the petition in this matter as a result of the petitioner's failure to file within the 90-day limitations period set forth in N.J.A.C. 6A:3-1.3. We add in so doing that this matter does not present exceptional circumstances that would compel relaxation of the 90-day rule. N.J.A.C. 6A:3-1.16. We stress in that regard that the petitioner was "alerted to the existence of facts that may equate in law" with a cause of action when she was assigned to the position at issue at the beginning of the 2004-05 school year, more than seven months before she filed a

challenge to such action on April 13, 2005. Kaprow v. Board of Educ., 131 N.J. 572, 587 (1993).

February 1, 2006

Date of mailing _____