

**IN THE OFFICE OF THE SECRETARY OF EDUCATION
COMMONWEALTH OF PENNSYLVANIA**

KIMLA ROBINSON,	:	
Appellant	:	
	:	
v.	:	TTA No. 01-09
	:	
SCHOOL DISTRICT OF	:	
PHILADELPHIA,	:	
Appellee	:	

OPINION AND ORDER

On March 9, 2009, the Pennsylvania Department of Education’s Office of Chief Counsel received a letter from Kimla. Robinson’s (“Ms. Robinson”) counsel stating that he was enclosing an appeal for extraordinary relief. The “Petition for Appeal” stated that Ms. Robinson was appealing her dismissal as a professional employee from the School District of Philadelphia (“School District”). Ms. Robinson had received notice of her dismissal from the School District on November 21, 2008. This notice of dismissal advised Ms. Robinson of her right to appeal the dismissal decision by filing an appeal with the Secretary of Education (“Secretary”) within thirty (30) days after receipt of the letter. In addition, by letter dated November 25, 2008, Ms. Robinson’s counsel at that time also advised Ms. Robinson of her appeal rights and that there were specific appeal deadlines and instructions to be followed.

Notwithstanding that Ms. Robinson was notified of her need to appeal her dismissal within thirty (30) days of receipt of her notice of dismissal, Ms. Robinson did not file anything with the Secretary until March 9, 2009 when she asked for extraordinary relief. In order to give Ms. Robinson a chance to support her request for extraordinary relief, which was accepted as a Petition of Appeal, counsel for the School District and counsel for Ms. Robinson agreed to

submit simultaneous briefs on or before April 30, 2009 supporting their respective positions about the timeliness of Ms. Robinson's Petition of Appeal.

On or before April 30, 2009, the undersigned received the School District's Memorandum in Support of Motion to Quash Appeal. However, the undersigned did not receive a brief, a memorandum, or any other document from Ms. Robinson's counsel regarding the issue of the timeliness of Ms. Robinson's appeal.

Based on the facts, and the failure of Ms. Robinson to provide any legal support for her request for extraordinary relief, the undersigned issued an Opinion and Order on May 29, 2009 that he did not have jurisdiction to hear Ms. Robinson's appeal because it was not filed in a timely manner.

On June 15, 2009, the undersigned received from Ms. Robinson's counsel a Motion to Reconsider the Secretary of Education's May 29, 2009 Order. Ms. Robinson clearly had notice that she had the right to appeal her dismissal from employment with the School District of Philadelphia within thirty (30) days of receipt of the notice of dismissal. Ms. Robinson was also advised by her previous counsel that she had a right to appeal her dismissal and that there were specific appeal deadlines and instructions to be followed. Ms. Robinson had adequate notice of her appeal rights but failed to pursue them in a timely manner. Therefore, I find no basis upon which to reconsider the May 29, 2009 Order.

Accordingly, the following Order is entered:

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KIMLA ROBINSON,
Appellant

v.

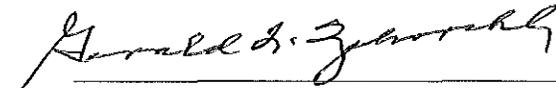
SCHOOL DISTRICT OF
PHILADELPHIA,
Appellee

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TTA No. 01-09

ORDER

AND NOW, this 25th day of June 2009, it is hereby ordered and decreed that
Kimla Robinson's Motion to Reconsider the Secretary of Education's May 29, 2009 Order is
DENIED.



Gerald L. Zahorchak, D.Ed.
Secretary of Education

Date Mailed: June 25, 2009