

## FREQUENTLY ASKED QUESTIONS: COMMISSIONER APPEALS

### **What decisions can I appeal to the Commissioner?**

Pursuant to P.L. 2008, c. 36, effective July 7, 2008, the Commissioner of Education has the authority to hear appeals – previously heard by the [State Board of Education](#) – of determinations made by the the School Ethics Commission finding that the School Ethics Act has been violated and decisions made by the State Board of Examiners to suspend or revoke an individual's certification. The Commissioner's determination on any such appeal is a final agency action appealable to the [Appellate Division of the Superior Court](#).

**Important note:** The procedures below **do not apply** to appeals from actions of local district boards of education or from decisions of the State Board of Examiners denying issuance of a certificate, which proceed as [controversies and disputes under the school laws](#). Similarly, they do not apply to [School Ethics Commission](#) findings of no probable cause or to penalty recommendations where the underlying finding of violation is not being appealed.

### **How much time do I have to appeal?**

Your appeal must be received within 30 days of the filing date of the decision from which you are appealing. The filing date of a decision is three days after the date the decision was mailed to the parties.

### **How do I file an appeal to the Commissioner?**

To file an appeal to the Commissioner, you must send a notice of appeal to the Commissioner c/o Director, Bureau of Controversies and Disputes, 100 River View Plaza, P.O. Box 500, Trenton, New Jersey 08625-0500, Attention: Appeals. You must also send a copy of your notice to the School Ethics Commission or the State Board of Examiners, depending on the decision you are appealing, and you must send a copy to all of the parties to the matter. It is advisable to send all copies by certified mail, return receipt requested. Submissions may not be faxed without prior permission from the Director.

### **What must I include in my notice of appeal?**

Your notice of appeal must clearly indicate which decision you are appealing. It also must include your name, address and phone number (plus fax if available), or that of your attorney if you are represented, and the names of all of the other parties to the matter. The notice of appeal must be signed by the attorney of record if you are represented. If you are not represented by an attorney, you must sign the notice.

A copy of the decision that you are appealing must be attached to the notice of appeal. The notice of appeal also must be accompanied by a proof of service showing that the School Ethics Commission or the State Board of Examiners, as the case may be, and all of the parties to the matter have been sent a copy of the notice. Proof of service may be shown by an acknowledgement of service signed by the other party or his attorney, your affidavit or a certified mail receipt, or a certificate of service signed by your attorney.

### **How many copies of my notice of appeal must I send to the Commissioner?**

You need only send the original of the notice to the Commissioner. No additional copies are necessary.

### **What must I do after I file a notice of appeal?**

You are required to file a brief in support of your appeal within twenty days of when you file your notice. The other parties to the appeal then have twenty days in which to file an answer brief. You may file a reply to the answer(s) if you do so within ten days.

### **How many copies of my briefs must I submit to the Commissioner?**

You need only submit the original of all briefs and any other documents that you file with the Commissioner. However, you must provide all of the other parties with a copy of any brief or other document that you file with the Commissioner.

### **Where can I obtain additional information about the appeals process?**

Additional information may be obtained from the regulations at [N.J.A.C. 6A:4, Appeals](#), or by contacting the Bureau of Controversies and Disputes at (609) 292-5706 and specifying that you are inquiring about appeal of a State Board of Examiners or School Ethics Commission decision.