

DIRECTIONS FOR RESPONDING TO A COMPLAINT BEFORE THE SCHOOL ETHICS COMMISSION

Filing an Answer Pursuant to N.J.A.C. 6A:28-7

Where a proper complaint is filed before the School Ethics Commission (“Commission”), each respondent shall be notified by the Commission that s/he shall have 20 days from receipt of the complaint within which to file an answer, or written statement under oath. The answer shall fully and completely advise the parties and the Commission as to the nature of the respondent’s defenses for each allegation, and shall admit or deny each allegation set forth in the complaint. The respondent shall respond directly to each allegation set forth in the complaint. Denials shall fairly meet the substance of the allegations denied. **An Answer must include: (1) A signed statement under oath by the respondent; (2) Proof of service upon each complainant, pursuant to N.J.A.C. 6A:28-1.7, as set forth below; and (3) An original with two copies.** Where an answer alleges that a complaint is frivolous, pursuant to N.J.S.A. 18A:12-29(e), the complainant shall have 20 days from receipt of the answer to respond to the allegation.

Filing a Motion to Dismiss in Lieu of an Answer pursuant to N.J.A.C. 6A:28-8

A respondent may file a motion to dismiss in lieu of an answer within 20 days of receipt of the complaint. **A motion to dismiss must include: (1) A brief in support of the motion; (2) Proof of service upon each complainant, pursuant to N.J.A.C. 6A:28-1.7, as set forth below; and (3) An original with two copies.***

Proof of Service pursuant to N.J.A.C. 6A:28-1.7

Proof of service shall be in the form of one of the following:

1. An acknowledgement of service signed by the attorney or the attorney’s designee for each party or signed and acknowledged by the party or agent thereof, indicating the address at which each party was served;
2. An affidavit of the person making service, sworn or affirmed to be true in the presence of a notary public or other person authorized to administer an oath or affirmation, indicating the address at which each party was served;
3. A certification indicating the address at which each party was served and meeting the requirements of New Jersey Court Rules at R. 1:4-4(b); or
4. A copy of the receipt for certified mailing or delivery by messenger. The return receipt card (“green card”) is not required for proof of service of certified mailing.

Where to File:

An answer or motion to dismiss may be sent to:

**School Ethics Commission
c/o Department of Education
P.O. Box 500
Trenton, NJ 08625**

Questions may be directed to (609) 376-9115.

* Within 20 days from receipt of the motion to dismiss in lieu of an answer, the complainant shall file an original and two copies of a responsive brief. The complainant shall serve a copy of the response on the respondent and submit proof of service pursuant to N.J.A.C. 6A:28-1.7. Where a motion to dismiss alleges that a complaint is frivolous pursuant to N.J.S.A. 18A:12-29(e), the complainant shall respond to that allegation within the responsive brief.