

*Rules & Reg.  
of Education*

A-1362

RULES GOVERNING APPEALS TO THE STATE BOARD OF EDUCATION  
(Pursuant to R.S. 18:3-15)

An appeal to the State Board of Education in a controversy arising under the School Laws must be taken within thirty (30) days after the Commissioner of Education has filed his decision in said controversy. It shall be taken by filing with the Commissioner and serving by registered mail or personally upon the adverse party or his attorney a notice identifying the decision and stating that an appeal is taken to the State Board of Education from it, or from such part of it as may be specified. Proof of service shall be filed promptly with the Commissioner.

In every controversy in which the decision of the Commissioner of Education has been appealed to the State Board, he shall certify the record to the Board within twenty (20) days after the filing of the notice of appeal, and remit the record, so certified, together with the notice of appeal and affidavit of service thereof with two extra copies of his decision to the Chairman of the Law Committee of the Board. That Committee shall consider all such appeals and report and recommend its conclusions thereon to the Board, which shall thereupon decide each appeal by resolution in open meeting.

Within twenty (20) days after the appeal has been taken, the appellant shall file with the Secretary of the State Board of Education six (6) copies of the points upon which he relies, which shall contain accurate references to the evidence and authorities, if any, in support of said points, and shall serve upon the respondent or his counsel one copy thereof. Within ten (10) days thereafter, the respondent shall file six (6) copies of his answering points and references to the evidence and authorities with the Secretary of the Board and shall serve one copy thereof upon the appellant or his counsel. The Secretary of the Board shall forthwith transmit the copies of points so filed, but not as part of the record, to the Chairman of the Law Committee, who shall thereafter fix a time and place for the hearing of the appeal, if either party, by notice filed with and prefixed to his points, shall request an oral hearing. Further memoranda or briefs may be received by the Law Committee at its discretion at or subsequent to the hearing.

All notices of hearing shall be sent by the Chairman of the Law Committee by mail, addressed to the counsel who have appeared for the parties in the proceeding, or, in the absence of such appearance, to the parties in person at their last known residences. Where one of the parties is a board of education the notice shall be addressed to its secretary. All notices of hearings shall specify the time and place of the session of the Law Committee at which the appeal will be heard.

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