



Matawan-Aberdeen Regional School District

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Board Secretary

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Interim Personnel Manager

Affidavit Appeal Procedure

A parent, guardian, adult student, caregiver or district resident has the right to appeal to the Commissioner of Education any Board of Education decision denying a student admission or removing a student from school based on residency issues. However, when the appeal challenges a Board of Education's Affidavit Student eligibility determination, the parent, guardian, adult student, caregiver or district resident must personally file the appeal. All appeals of school residency decisions must be filed with the Commissioner of Education within 21 days of the date of a Board of Education's decision.

There are two ways in which an appeal to the Commissioner of Education may be initiated:

1. By filing and serving a Petition of Appeal in accordance with N.J.A.C. 6A:3-1.3 and 1.4.
2. In the case of someone acting without legal representation (a "*pro se* petitioner"), by submitting a letter of petition in accordance with N.J.A.C. 6A:3-8.1.

Petitions in letter form will be accepted from *pro se* petitioners as long as they contain the following information:

1. The name, address, telephone number and fax number, where available, of the person filing the appeal (known as the "petitioner");
2. The name of the Board of Education of the District that has denied admission to, or removed a student from school (known as the "respondent").
3. A clear indication that the petitioner is appealing a determination of ineligibility to attend school in the district based upon residency or domicile, together with the date of the district's decision; and
4. A signed statement that the claim of entitlement is based upon facts that are true to the best of the petitioner's knowledge and belief.

Where possible, a copy of the district's written determination of ineligibility should be attached to this letter of petition.

To file the appeal, the letter of petition must be submitted to the Commissioner of Education at the following address:

Commissioner of Education
C/o Director of Bureau of Controversies and Disputes
New Jersey Department of Education
P.O. Box 500
Trenton, New Jersey 08625-0500

To expedite the filing of the appeal a faxed copy of all documentation may be sent to the Department of Education at 609-292-4333. A hard copy must also be sent via U.S. mail. The Bureau of Controversies and Disputes within the Department of Education can be reached by telephone at 609-292-5705 to answer questions you may have in regard to filing your appeal.