

A.L.D., on behalf of minor	:	
child, N.D.,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE	:	
NORTHERN BURLINGTON	:	
REGIONAL SCHOOL DISTRICT,	:	
BURLINGTON COUNTY,	:	
	:	
RESPONDENT.	:	

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#### SYNOPSIS

Petitioning parent appealed the Board's refusal to allow her son to play on the exclusively female middle school lacrosse team.

The ALJ concluded that the Board could legally limit participation on the lacrosse team to females. Citing the appellate decision in *B.C.*, which stands for the proposition that the exclusion of boys from girls' athletic teams is permissible under the Federal and State Constitutions and the Law Against Discrimination, as well as the ban on gender discrimination in education law, the ALJ determined the Board's action was not arbitrary or capricious.

The Commissioner adopted the Initial Decision as his own. Petition was dismissed.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.
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July 1, 2004

OAL DKT. NO. EDU 02401-04  
AGENCY DKT. NO. 98-3/04

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs that, under the facts presented, the respondent Board of Education did not act unlawfully in determining to limit participation on its middle school lacrosse team to female students.

Accordingly, for the reasons expressed therein, the Initial Decision is adopted as the final decision in this matter and the Petition of Appeal is dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: July 1, 2004  
Date of Mailing: July 2, 2004

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\* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*