

J.M. AND D.M., on behalf of minor child, :
J.L.M., :
PETITIONERS, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY OF : DECISION ON REMAND
SUMMIT, UNION COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parents sought to compel the Board to award their daughter the most valuable player award for the women's cross-country track team for the 1995 and 1996 seasons. The case was dismissed by the ALJ because the petition was not filed within 90 days of accrual of the cause of action as required by regulation. After the Commissioner affirmed the dismissal, the State Board of Education reversed the Commissioner's decision and remanded the case for a hearing.

After remand to the OAL, the Board moved for summary decision and, after hearing oral argument, the ALJ granted summary decision to the Board. The ALJ determined that there was no issue of discrimination against J.L.M. as argued by petitioners; that the coach's determination to weigh factors other than performance in bestowing the MVP award was not unreasonable; and that his determination to give the award to team captains and graduating seniors was also not unreasonable. Finally, the ALJ concluded that the Board's determination to uphold the coach's grant of the awards was not unreasonable.

The Commissioner affirmed the determination of the ALJ for the reasons set forth in her decision and dismissed the petition.

September 11, 2000

number four and five runners on the team over [J.M.], who ran with an injured leg and was still the number one runner and who possessed all the intangibles” as evidenced by her Coach’s Award. How can this decision not be arbitrary, capricious, unreasonable and discriminatory?*** (Petitioners’ Exceptions at 3-4)

The Board’s reply exceptions urge affirmance of the ALJ’s recommended decision, averring, *inter alia*, that petitioners offer nothing new in their exceptions which would provide reason for rejection of the Initial Decision other than their continued belief that the decision of the Summit High School cross-country coach to give the MVP award to someone other than their daughter was wrong.

Upon review of the record, including the exceptions submitted by petitioners and the Boards reply thereto, the Commissioner agrees with and adopts as his own the findings of fact and conclusions of law reached by the ALJ. Accordingly, the Petition of Appeal is hereby dismissed for the reasons set forth in the Initial Decision.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 11, 2000

Date of Mailing: September 13, 2000

* This decision, as the Commissioner’s final determination, 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.