

D.H., on behalf of minor child, J.R.H.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	
	:	
BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF MONTCLAIR, ESSEX	:	COMMISSIONER OF EDUCATION
COUNTY, ELAINE PEELER DAVIS,	:	
EDWARD LEBIDA, RON MC GOMISH,	:	DECISION
GERALD VEGA, JACK WEBER, JANE	:	
DOE AND JACK DOE,	:	
	:	
RESPONDENTS.	:	
_____	:	

SYNOPSIS

Petitioning parent alleged a variety of violations of *N.J.S.A.* 18A:36-20 and other equal protection laws when the Board determined not to place his son, J.R.H., on the Boys Junior Varsity or Varsity Soccer Teams following competitive tryouts. Respondents contended that petitioner faced the burden of proving that its policies or procedures were unreasonable under *N.J.S.A.* 18A:36-20 based on the facts of the case.

The ALJ concluded that the Commissioner lacked jurisdiction over petitioner’s federal claims, and that petitioner had in any event failed to state a claim upon which relief could be granted for violations of Title IX or Title VII. While noting that the Commissioner does have jurisdiction over claims of discrimination under state law (*N.J.S.A.* 18A:36-20), the ALJ concluded that there was not a “scintilla of evidence” offered to even remotely suggest any discriminatory treatment of J.R.H. The ALJ concluded that petitioner’s claims must be dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

May 3, 2002

OAL DKT. NO. EDU 9956-00
AGENCY DKT. NO. 329-9/00

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_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of this matter, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge. Accordingly, the Initial Decision is affirmed for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 3, 2002

Date of Mailing: May 3, 2002

* 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.