

New Jersey Commissioner of Education

Final Decision

G.G., on behalf of D.G.,

Petitioner,

v.

New Jersey State Interscholastic Athletic
Association,

Respondent.

For Petitioner, John D. Rue, Esq.

For Respondent, Alexis C. Smith, Esq.

This case involves an appeal of a decision of the New Jersey State Interscholastic Athletic Association (NJSIAA) denying petitioner G.G.'s request for a waiver of the Eight Semester Rule to allow his child, D.G., to participate in a fifth year of sports during his senior year at West Essex High School (West Essex).

Athletic competition in New Jersey's public schools is overseen by respondent, NJSIAA, a voluntary, non-profit organization which promulgates the rules and regulations governing high school athletics. *See B.C. v. Cumberland Reg. Sch. Dist.*, 220 N.J. Super. 214, 234 (App. Div. 1987). Article V, Section J of NJSIAA's Bylaws, Rules and Regulations restricts a student's eligibility to play sports to four years. Specifically, the provision known as the Eight Semester Rule provides that, "[n]o student shall be eligible for high school athletics after the expiration of eight consecutive semesters following his or her entrance into the 9th grade. A student becomes

ineligible for high school athletics when the class in which he/she was originally enrolled has graduated.” The NJSIAA Guidelines set forth the reasons for the Eight Semester Rule in the NJSIAA Handbook:

This rule is intended to prohibit “red shirting,” and is also aimed at preventing athletically gifted pupils who are not meeting academic standards from replacing other students who are maintaining their academic standards but who might not have the same athletic prowess. The rule is also aimed at maintaining a uniform progression among all member schools within a four-year cycle and equalizing competition within these schools.

In appropriate cases, the NJSIAA may grant a waiver of the eligibility rules if the overall objectives of the association and its member schools are not undermined by the proposed waiver. The Eight Semester Rule can be waived when a student proves that he or she cannot comply with the rule due to circumstances beyond his or her control.

The material facts in this case do not appear to be in dispute. D.G. has had an Individualized Education Plan (IEP), related to his Attention Deficit Disorder (ADD), since 2014. D.G. entered high school in September 2020. Earlier in 2020, D.G.’s older brother was moved out of state for mental health treatment, and D.G. struggled with the absence of his brother. Additionally, for a portion of the 2020-2021 school year, West Essex offered a hybrid learning schedule due to the Covid-19 pandemic. D.G. refused to attend online classes, accumulating 62 full-day absences over the course of the school year, and finishing the year with only 6.25 credits, such that he repeated his freshman year during the 2021-2022 school year. Accordingly, D.G. is now in his senior year, during the 2024-2025 school year. D.G. played freshman baseball in 2020-2021; he broke his arm in February 2021, but participated in at least three games after he was cleared to play. D.G. played junior varsity baseball for the 2021-2022 and 2022-2023 school

years. In 2023-2024, D.G. played varsity baseball, serving primarily as the designated hitter, with a .360 batting average and hitting in the fourth and fifth spots in the lineup. West Essex was 24-5 during the 2023-2024 season, and lost in the NJSIAA Group III Sectional Final. D.G. also plays club baseball. He hopes to play baseball in college and has received interest from three colleges or universities.

Because D.G. has already had four years of athletic eligibility, on August 20, 2024, an Eligibility Waiver Request was filed with the NJSIAA, requesting a waiver from the strict application of the Eight Semester Rule so that D.G. can participate in baseball during his senior year. On August 12, 2024, the NJSIAA Eligibility Committee voted 4-0 to deny the waiver request.

Thereafter, the petitioner appealed the decision of the Eligibility Committee to the Eligibility Appeals Committee (EAC). Following a hearing on August 28, 2024, at which sworn testimony was taken from D.G. and his parents, the EAC denied the request for a waiver of the Eight Semester Rule.¹ While it was sympathetic to the family's hardships during 2020, the EAC could not find that D.G.'s poor academic performance was due to circumstances beyond his control. The EAC determined that granting D.G. a waiver would give him an opportunity – a fifth year of eligibility – that other students do not get. According to the EAC, granting a waiver would directly contradict the intent of the Eight Semester Rule and the intent behind waivers of eligibility requirements. The EAC noted that there was no testimony in the record suggesting that D.G.'s IEP mandated him to be in high school beyond eight semesters and, in fact, his IEP provides no exemptions for attendance, credit hours, statewide assessments, or graduation

¹ The EAC voted and issued its decision on August 28, 2024. The EAC's written opinion memorializing its ruling was issued on September 13, 2024.

requirements. The EAC found that D.G.'s participation as a fifth-year senior would provide West Essex with an athletic advantage because he would be a strong player for a competitive team who had a .360 batting average last season, batted fourth or fifth in the lineup, and has interest from college coaches. Finally, the EAC concluded that allowing D.G. a fifth year of eligibility would likely displace another student who only had four years of eligibility from a starting position.²

On March 13, 2025, the petitioner filed an appeal with the Commissioner of Education challenging the decision of the NJSIAA. On March 14, 2025, the NJSIAA filed its answer to the petition. On March 17, 2024, the petitioner filed a motion for emergent relief and a motion for summary decision, and on March 21, 2025, the NJSIAA filed its reply brief.

Petitioner argues that his disabilities prevented him from accessing the full benefit of the West Essex athletic program in his freshman year, and the NJSIAA's internal rules should not preempt federal and state law requiring reasonable accommodations. Petitioner contends that D.G.'s ADD seriously impaired his ability to access education remotely during the pandemic, and his broken arm precluded him from playing more than three games. According to petitioner, disregarding D.G.'s freshman year would constitute a reasonable accommodation for his disabilities.

In reply, the NJSIAA argues that petitioner is seeking emergent relief for a matter that the NJSIAA decided on September 13, 2024, that the emergency is entirely self-generated, and that

² On November 6, 2024, petitioner, through counsel, contacted the NJSIAA's counsel to discuss this matter. On February 5, 2025, the petitioner submitted additional information to the NJSIAA, seeking reconsideration of its decision. The parties participated in a phone call on February 24, 2025, and this appeal followed. The documents that were submitted to the EAC following its August 28, 2024 decision were submitted to the Commissioner by the parties. However, these items are not part of the record on appeal, as they were not considered by the involved NJSIAA committees. Accordingly, they were not considered as part of the Commissioner's review herein.

the motion should be dismissed for that reason alone. The NJSIAA also contends that petitioner relies on information outside the record, attempting a second bite at the apple by making arguments and providing documents that were not before the EAC, which should not be permitted. However, the NJSIAA argues that even if petitioner's Americans with Disabilities Act (ADA) accommodation argument is considered by the Commissioner, it lacks merit, as prevailing on an ADA claim in an educational setting requires a petitioner to show that he was deprived of meaningful access to a benefit to which he is entitled; here, no student is entitled to five years of sports competition. According to the NJSIAA, it is not the intent of the disability laws to grant a student a privilege that other students – disabled or not – do not enjoy.

The NJSIAA asserts that it provided the petitioner with due process, noting that this case was heard by two NJSIAA committees, both of which unanimously denied the request for a waiver of the Eight Semester Rule. The NJSIAA stresses that the Eight Semester Rule is designed to ensure that all students have an equal opportunity to play high school sports and limits that opportunity to four years, with participation beginning on the first day that a student participates in or attends practice; this is a bright line rule that applies to all students and it recognizes that there are many reasons why students may miss some participation during a season. The NJSIAA maintains that D.G.'s ineligibility is not due to circumstances beyond his control, and any waiver would contradict the intent of the Eight Semester Rule. Additionally, the NJSIAA argues that West Essex would receive an advantage if T.M. were granted a waiver.

Upon careful review and consideration, the Commissioner determines to uphold the decision of the NJSIAA and dismiss the petitioner's appeal. As explained above, the NJSIAA is a voluntary association of public and nonpublic schools, organized – pursuant to *N.J.S.A. 18A:11-3*

– to oversee athletics for its member schools in accordance with a constitution, bylaws, rules, and regulations approved by the Commissioner of Education and adopted annually by member schools, for which they become school policy enforceable by the NJSIAA. West Essex is a member of the NJSIAA.

It is well-established that the Commissioner’s scope of review in matters involving NJSIAA decisions, including determinations made by the EAC, is appellate in nature. *N.J.S.A. 18A:11-3; Board of Education of the City of Camden v. NJSIAA*, 92 *N.J.A.R. 2d* (EDU) 182, 188. That is, the Commissioner may not overturn an action by the NJSIAA in applying its rules, absent a demonstration by the petitioner that it applied such rules in a patently arbitrary, capricious, or unreasonable manner. *N.J.A.C. 6A:3-7.5(a)(2); B.C. v. Cumberland Regional School District*, 220 *N.J. Super.* 214, 231-232 (App. Div. 1987); *Kopera v. West Orange Board of Education*, 60 *N.J. Super.* 288, 297 (App. Div. 1960). Nor may the Commissioner substitute his own judgment for that of the NJSIAA, where due process has been provided and where there is sufficient credible evidence in the record as a whole to serve as a basis for the decision reached by the NJSIAA. *N.J.A.C. 6A:3-7.5(a)(1); Dam Jin Koh and Hong Jun Kim v. NJSIAA*, 1987 *S.L.D.* 259.

Additionally, the New Jersey courts have spoken as to the narrow scope of “arbitrary, capricious, or unreasonable” in the context of challenges such as petitioners:

In the law, “arbitrary” and “capricious” means having no rational basis. *** Arbitrary and capricious action of administrative bodies means willful and unreasoning action, without consideration and in disregard of circumstances. Where there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached.*** (citations omitted) *Bayshore Sew. Co. v. Dep’t of Env’t. Protection*, 122 *N.J. Super.* 184, 199-200 (Ch. Div. 1973), *aff’d* 131 *N.J. Super.* 37 (App. Div. 1974).

Petitioners seeking to overturn decisions of the NJSIAA therefore bear a heavy burden, and – considering the record of this matter in light of the prescribed standard of review – the Commissioner cannot find that petitioner herein has met his burden so as to entitle him to prevail on appeal.

Specifically, the Commissioner cannot find that the EAC applied its rules in a patently arbitrary or unreasonable manner, in light of its duty to ensure fairness and integrity in athletic competition statewide. It is undisputed that D.G. has already participated in baseball at West Essex during four separate seasons, and that he has been enrolled in high school for more than eight semesters. The EAC determined that allowing D.G. to play a fifth year of baseball would provide West Essex – an already competitive program – with an athletic advantage. D.G. had a .360 batting average last season, batted fourth or fifth in the lineup, and has interest from college coaches. The EAC also found that D.G.’s participation would likely displace another athlete, who had not already played for four years, from a starting position. The EAC provided the petitioner with ample due process and there is nothing in the record demonstrating that the EAC’s findings as a whole were arbitrary, capricious, or unreasonable. As such, the Commissioner cannot substitute his judgment for that of the EAC.

With regard to the fact that D.G. only played in three games in his freshman year due to his broken arm, the Commissioner finds this argument unavailing. The NJSIAA’s Interpretive Guidelines for Student-Athlete Eligibility³ make clear that eligibility is based on semesters of attendance in a secondary school, not eight semesters of participation in sports. Therefore, even

³ Available at <https://www.njsiaa.org/sites/default/files/documents/2024-08/njsiaa-policies-and-procedures-24-25-.pdf>, page 24 (last visited March 21, 2025).

if D.G. had not played baseball at all during the 2020-2021 school year, the fact remains that he was eligible to do so, and those semesters must therefore be counted. Moreover, D.G. did participate in baseball during the 2020-2021 school year, even if that participation was limited by his injury, and the NJSIAA's Interpretive Guidelines specifically provide that it will not permit a student to participate in any sport for more than four seasons. The Commissioner notes that injuries during a sports season are not uncommon among high school student-athletes and do not alter the application of the NJSIAA's rules.

The Commissioner notes that petitioner's argument that the NJSIAA should have provided D.G. with an accommodation under the ADA was not raised below, and appellate review generally only addresses issues that the decision-maker had the opportunity to address. Nonetheless, Commissioner finds that the EAC's decision to deny D.G. a waiver was not inconsistent with the ADA. The ADA requires "that any 'policies, practices, or procedures' of a public accommodation be reasonably modified for disabled 'individuals' as necessary to afford access unless doing so would fundamentally alter what is offered." *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 688 (2001) (citing to 42 U.S.C. §12182(b)(2)(A)(ii)). "To comply with this demand, an individualized inquiry must be made to determine whether a specific modification for a particular person's disability would be reasonable under the circumstances as well as necessary for that person, and yet at the same time not work a fundamental alternation." *Ibid.* (internal citations omitted).

While the waiver request was not presented to the EAC as a request for an accommodation, the record reflects that in issuing its decision, the EAC engaged in an individualized analysis to determine whether D.G. should be granted a waiver to enable him to

participate in a fifth year of baseball. The EAC considered D.G.'s unique circumstances and the impact an additional year of participation would have on competition. There is also no indication that the EAC did not properly weigh the purpose of the eligibility rules in conjunction with D.G.'s exceptional situation before concluding that he was not entitled to a fifth year of eligibility.

Turning to petitioner's application for emergent relief, petitioner must meet the standards established by *Crowe v. DeGioia*, 90 N.J. 126 (1982) and codified at N.J.A.C. 6A:3-1.6(b). Emergent relief may be granted where necessary to prevent irreparable harm, where the legal right underlying the movant's claim is settled, where there is a likelihood of success on the merits, and where the relative hardship to the moving party favors granting such relief. *Crowe, supra*, 90 N.J. at 132-34. As detailed above, petitioner's claim does not succeed on its merits. Accordingly, petitioner has failed to meet the criteria for emergent relief.⁴

Accordingly, the Commissioner affirms the NJSIAA's decision. Petitioner's motion for emergent relief and motion for summary decision are denied, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.⁵



COMMISSIONER OF EDUCATION

Date of Decision: March 27, 2025
Date of Mailing: March 27, 2025

⁴ Because all four prongs of the *Crowe* standard must be met, it is not necessary to analyze the remaining three prongs.

⁵ This decision may be appealed to the Appellate Division of the Superior Court pursuant to N.J.S.A. 18A:6-9.1. Under N.J. Ct.R. 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

**NEW JERSEY STATE INTERSCHOLASTIC
ATHLETIC ASSOCIATION
ELIGIBILITY APPEALS COMMITTEE**

**IN THE MATTER OF THE ATHLETIC
ELIGIBILITY OF D.G., A STUDENT
AT WEST ESSEX HIGH SCHOOL**

BEFORE:

**JUDY FINCH-JOHNSON, CHAIRPERSON
MICHAEL BALDWIN
JOHN FRARACCIO
DR. MICHAEL KUCHAR
JEFFREY STEELE
BARRY WALKER**

Alexis C. Smith, Esq., Hearing Officer

Hearing Date: August 28, 2024

Decision Date: September 13, 2024

APPEARANCES:

**West Essex High School
Dr. Kimberly Westervelt, Principal
Tim Walsh, Athletic Director**

**Student's Family
Gerard Giannetti, Student's Father
Malinda Giannetti, Student's Mother
Daniel Giannetti, Student**

Background

Daniel Giannetti is a senior at West Essex High School. He is seeking a waiver of the NJSIAA Eight Semester Rule to participate in baseball for the 2024-2025 school year.

On August 12, 2024, the Eligibility Committee reviewed the request, and denied the waiver by a vote of 4-0. The school appealed the Eligibility Committee's decision to the Eligibility Appeals Committee (EAC), which held a hearing on August 28, 2024.

The EAC members who heard the appeal were: Chairperson Judy Finch-Johnson, First Vice President of the NJSIAA Executive Committee and Elizabeth Public Schools Assistant Superintendent; Michael Baldwin, East Orange High School Athletic Director; John Fraraccio,

Memorial High School (West New York) Athletic Director; Dr. Michael Kuchar, South Bergen Jointure Commission Superintendent; Jeffrey Steele, Bound Brook High School Athletic Director; and Barry Walker, Bridgewater Raritan Board of Education and the New Jersey State School Boards Association's representative for the NJSIAA Executive Committee.

After hearing the testimony and reviewing the evidence, the EAC unanimously voted to deny the requested waiver. This written opinion memorializes that decision.

The Eight Semester Rule

The Eight Semester Rule is set forth in the NJSIAA Bylaws at Article V, Section 4.J. That bylaw states:

No student shall be eligible for High School athletics after the expiration of 8 consecutive semesters following his/her entrance into the 9th grade. A student becomes ineligible for High School athletics when the class in which he/she was originally enrolled is graduating.

NJSIAA's *Interpretive Guidelines for Student-Athlete Eligibility* state:

This rule is intended to prohibit "redshirting," and is also aimed at preventing athletically gifted pupils who are not meeting academic standards from replacing other students who are maintaining their academic standards but who might not have the same athletic prowess. The rule is also aimed at maintaining a uniform progression among all member schools within a four-year cycle and equalizing competition within these schools.

Unfortunately, despite its explicit terms and its obvious objectives, some member schools have interpreted this rule as applying to eight semesters of competition rather than eight semesters of attendance in a secondary school. *The NJSIAA will not permit a student to participate in any sport for more than four seasons.* Students below the 9th grade who participate on a high school team will be ineligible at the conclusion of eight consecutive semesters. The fact that a student has not participated for four seasons will not in itself justify allowing such a student to participate in interscholastic sports beyond the eighth semester after his or her entrance into the ninth grade. Since the NJSIAA carefully regulates practice and scrimmages and is most concerned over the possibility of "red shirting," participation in any sports season will begin on the very first day that a Student-Athlete participates in or attends practice in a particular sport.

(emphasis added).

A waiver of the Eight Semester Rule may only be granted if the student is unable to meet the requirements of the rule due to circumstances beyond the student's control, and if granting the waiver would not undermine the overall objectives of the Association and its member schools.

NJSIAA's *Interpretive Guidelines* for waivers provides in part:

Member schools must be aware of the fact that waivers are only intended to equalize opportunities among otherwise eligible students who cannot strictly comply with the eligibility rules because of circumstances beyond their control and is not intended to provide such students with an actual advantage over the great majority of students who maintain appropriate academic standards over the normal eight semester secondary program. *Accordingly, waivers of these rules are never granted where it would allow a student to participate in more than four seasons in any one sport or where a student has repeated an academic semester or year of secondary school for academic reasons*, or where a student repeats a grade that the student has demonstrated proof of passing grades and earned enough credits to advance to the next academic grade level.

(emphasis added).

Evidence Before the EAC

The EAC reviewed the following documents and records: (1) Eligibility Waiver Request Form, submitted August 20, 2024; (2) Notice letters for EAC hearing, dated August 20, 2024; (3) NJSIAA Eligibility Committee decision letter and decision sheet, August 12, 2024; (4) Letter from Dr. Kimberly Westervelt, West Essex Principal, dated August 5, 2024; (5) Letter from Joanna Buset, LPC, ACS, of CarePlus New Jersey, dated July 2, 2024; (6) Letter from Tim Walsh, West Essex Athletic Director, dated July 30, 2024; (7) Letter from Dr. John J. Callaghan, of Academy Orthopaedics, dated April 8, 2022; (8) Daniel's IEP, last updated February 21, 2024; (9) Daniel's academic transcripts; and (10) Daniel's birth certificate.

The EAC heard and considered testimony from the following: Dr. Kimberly Westervelt, Principal; Tim Walsh, Athletic Director; Gerard Giannetti, the student's father; Malinda Giannetti, the student's mother; and Daniel Giannetti, the student.

Findings

1. Daniel Giannetti was born on August 15, 2006, and is currently 18 years old.
2. Prior to beginning high school, Mr. and Mrs. Giannetti testified that Daniel's older brother was moved to Georgia on February 9, 2020 for mental health treatment. Daniel's older brother was then moved directly from Georgia to Utah for additional treatment. The family did not see Daniel's brother between February, 2020, and August 17, 2020.
3. Daniel entered high school in September, 2020, at West Essex High School.
4. The 2020-2021 school year was affected by the Covid-19 pandemic. At the beginning of the school year, West Essex offered a hybrid learning schedule. In April, 2021, West Essex offered all students to attend class in-person.
5. Mr. Giannetti testified that when Daniel was required to attend school remotely, "he was unable to attend online. He just had complete refusal to attend online classes." The record shows that Daniel had 62 full-day absences during the 2020-2021 school year.

6. Mr. and Mrs. Giannetti both testified that Daniel struggled with the absence of his brother, which attributed to his poor academic performance during the 2020-2021 school year.
7. As a result, Daniel only earned 6.25 credits his freshman year.
8. Daniel repeated his freshman year during the 2021-2022 school year.
9. Daniel has earned the following credits during his first four years of high school: 6.25 credits in 2020-2021; 36 credits in 2021-2022; 36 credits in 2022-2023; and 36 credits in 2023-2024.
10. In 2014, Daniel was first evaluated for an IEP for ADHD. It was last reevaluated on February 9, 2024. His IEP provides him with certain modifications, including but not limited to, the breakdown of assignments, preferential seating, interim due dates for long-term assignments, and extended time for assessments.
11. Mr. Walsh testified, and the IEP confirmed, that Daniel is in the school's "We Connect" program, which provides smaller class sizes, more one-on-one instruction, and modified assessments within the general education curriculum. There was no testimony in the record that suggested Daniel's IEP mandated him to be in high school beyond eight semesters. Indeed, his IEP provides no exemptions for attendance, credits hours, statewide assessments, or graduation requirements.
12. Daniel has played four seasons of high school baseball. In 2020-2021, he played freshman baseball. He broke his arm in February, 2021, but participated in at least three games after he was cleared to play.
13. For the 2021-2022 and 2022-2023 school years, Daniel played junior varsity baseball. Last season, 2023-2024, he played varsity baseball.
14. Daniel is about 6'1", and 170 pounds.
15. Last season, Daniel served primarily as the designated hitter. His batting average was .360, and he hit in the fourth and fifth spot in the lineup. When he is in the field, he plays first base.
16. Last season, West Essex was 24-5, and lost in the NJSIAA Group III Sectional Final.
17. If granted a waiver, Daniel will likely remain the designated hitter, or potentially become a starter in a field position.
18. Mr. Walsh does not expect the baseball team to have the same level of success as last year.

19. The baseball team normally carries about 55 students for freshman, junior varsity, and varsity. Mr. Walsh testified that the baseball team typically does not make cuts, with the exception of a few freshman who may be a “liability.”
20. In addition to high school baseball, Daniel also plays club baseball for the East Coast Dodgers.
21. Daniel hopes to play baseball in college. He currently has interest from University of Maryland (Eastern Shore), Barry University, and Rollins College.

Conclusions

After hearing the testimony, reviewing the records, and deliberating, the Eligibility Appeals Committee voted 5-0 to deny the requested waiver of the Eight Semester Rule. The Committee could not find that Daniel’s need to attend high school for five years was due to circumstances beyond his control. The Committee also found that a waiver would be contrary to the intent of eligibility waivers since Daniel has already participated in four years of interscholastic baseball.

First, like many students during the pandemic, Daniel struggled with remote education during the 2020-2021 school year. His family also underwent significant struggles regarding the treatment of Daniel’s brother. While the Committee was sympathetic to the family’s hardships during 2020, Daniel had 62 full-day absences, and earned just 6.25 credits that year. The Committee could not find, based on the evidence presented, that his poor academic performance was due to circumstances beyond his control.

Second, the Eight Semester Rule is designed to encourage students to pass their courses. The *Interpretive Guidelines for Student Eligibility* provides that, “[t]he NJSIAA will not permit a student to participate in any sport for more than four seasons.” “Accordingly, waivers of these rules are never granted where it would allow a student to participate in more than four seasons in any one sport[.]” Here, Daniel has already played four seasons of high school baseball. Waivers are intended to equalize opportunities; granting Daniel a waiver when he has already played four seasons of baseball would give him an opportunity that other students do not get—a fifth year of eligibility to play sports after he failed to meet academic standards and repeated a grade. This would directly contradict the intent of the Eight Semester Rule and the intent behind waivers of eligibility requirements.

Although Daniel has had an IEP since 2014, there was no testimony in the record that suggested Daniel’s IEP mandated him to be in high school beyond eight semesters. Indeed, his IEP provides no exemptions for attendance, credits hours, statewide assessments, or graduation requirements. Therefore, the Committee found that Daniel’s IEP was not a reason to grant the waiver request.

Third, the Committee also found that Daniel’s participation as a fifth-year senior would provide West Essex an athletic advantage. Daniel had a .360 batting average last season, batted fourth or fifth in the lineup, and has interest from college coaches. A strong player like Daniel would give an already competitive program an athletic advantage over other schools. In

addition, Daniel's participation would also likely displace another athlete from a starting position; a student who only has eight semesters of eligibility.

This decision only prevents Daniel from participating in interscholastic competition. He is free to otherwise participate and practice with the baseball team, at the school's discretion.

This decision is a final decision of the NJSIAA. Appeal, if any, is to the Commissioner of Education, pursuant to N.J.S.A. 18A:11-3 and N.J.A.C. 6A:3-7.1 et seq

s/ Judy Finch-Johnson
Judy Finch-Johnson, Chairperson

4900-8223-2360, v. 1