

EDWARD D. TORRES, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF CAMDEN, CAMDEN COUNTY, :
and DANA REDD, MAYOR OF THE :
CITY OF CAMDEN, CAMDEN COUNTY, :
RESPONDENTS. :
_____ :

SYNOPSIS

Petitioner, a minister residing in Camden, filed a petition seeking an order directing the Board of Education of the City of Camden to place two referenda questions on a school election ballot. The two proposed questions involved, *inter alia*, removing the theory of evolution from Camden public school curricula and opening the daily school session with a moment of silence. Both the Board and the Mayor of Camden filed motions seeking dismissal of the petition.

The ALJ found, *inter alia*, that: to the extent that this case involves issues concerning school or other election-related issues, the Commissioner has no jurisdiction over such matters; to the extent that the objects of the proposed referenda involve matters concerning the conduct of the public schools and the laws affecting same – over which the Commissioner does have jurisdiction – the objects of the referenda cannot be legally performed by the Camden Board of Education and the Commissioner has no authority to permit them to occur, as the referenda implicate federal constitutional issues. Accordingly, the ALJ ordered the petition dismissed.

Upon a thorough and independent review of the record and the ALJ's decision in this matter, the Commissioner adopted the Initial Decision as the final decision, for the reasons set forth therein. Accordingly, the 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.

OAL DKT. NO. EDU 07304-10S
AGENCY DKT. NO. 101-5/10

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed pursuant to *N.J.A.C. 1:1-18.4* by the petitioner. The petitioner's exceptions generally reiterate the substance of his submissions at the OAL, recasting the arguments therein to support the contention that his proposed referenda involving the theory of evolution and the need for a moment of silence should be placed on a school election ballot.

Upon such review, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein. Accordingly, the petition is hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 23, 2010

Date of Mailing: November 24, 2010

* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*.