



State of New Jersey

DEPARTMENT OF EDUCATION

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January 4, 2023

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Re: State Operated School District of the City of Camden, Camden County v. New Jersey State Interscholastic Athletic Association, Agency Dkt. No. 354-11/22.

Dear Counsel:

I have reviewed the papers filed in connection with the petition for declaratory ruling and motion for emergent relief filed by the petitioner, the State Operated School District of the City of Camden (Camden), in the above-captioned matter. The New Jersey State Interscholastic Athletic Association (NJSIAA) is investigating alleged recruitment violations by the Camden High School basketball team. Camden is seeking a ruling at this stage of the proceedings as to whether it is required to provide the NJSIAA with certain student records in connection with the NJSIAA's investigation.¹

¹ There was originally a hearing on the matter scheduled for December 5, 2022, however, the NJSIAA agreed to adjourn the hearing until a decision was issued on the declaratory ruling request. The hearing is currently scheduled for January 9 and 10, 2023.

Pursuant to *N.J.A.C. 6A:3-7.1(b)1*, where a petitioner challenges a rule or determination of the NJSIAA, the Commissioner shall decline to hear the matter on appeal until a hearing before the NJSIAA has been conducted and the NJSIAA has issued a decision. It is undisputed that a hearing in this matter has not yet been conducted and that there has not be any determination made by the NJSIAA. Moreover, the Commissioner's review of NJSIAA matters is appellate in nature; therefore, the Commissioner does not have the authority to dictate to the NJSIAA how it conducts its hearings or what evidence is presented or consider during an investigation as long as the petitioner is afforded due process. *N.J.A.C. 6A:3-7.5(a)*.

As such, I have determined to exercise my discretion and decline the request for a declaratory ruling pursuant to *N.J.S.A. 52:14B-8* and *N.J.A.C. 6A:3-2.1(a)1*. Once the NJSIAA appeal procedures are fully exhausted, if Camden in not in accord with the NJSIAA's final determination a petition may be filed pursuant to *N.J.A.C. 6A:3-7.1(a)*. To the extent that Camden maintains that it was not afforded the appropriate due process, that the NJSIAA violated a school law during the evidentiary proceedings or that the NJSIAA Bylaws, Rules or Regulations were violated, those arguments can be made at that juncture.

Accordingly, Camden's request for a declaratory ruling is hereby denied.

Sincerely,



Kathleen Ehling
Assistant Commissioner²

VIA E-MAIL ONLY

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² Pursuant to *N.J.S.A. 18A:4-34*, this matter has been delegated to Assistant Commissioner Kathleen Ehling because of the Acting Commissioner's recusal.