



**State of New Jersey**  
DEPARTMENT OF EDUCATION  
PO Box 500  
TRENTON, NJ 08625-0500

JON S. CORZINE  
Governor

LUCILLE E. DAVY  
Commissioner

January 15, 2009

Michael J. Herbert, Esq.  
Herbert, Van Ness, Cayci & Goodell  
22 Chambers Street  
Princeton, NJ 08542

Re: Proposed NJSIAA Rule Change – Wrestling Tournaments

Dear Mr. Herbert:

Your correspondence concerning a contest rule change regarding the organization of high school wrestling competitions – adopted by the New Jersey State Interscholastic Athletic Association (NJSIAA) on December 1, 2008 – was received in the Department of Education on December 31, 2008.

Upon consideration, the Commissioner disapproves the proposed rule, pursuant to her authority under *N.J.S.A.* 18A:11-5. The unconditional separation of public school wrestling programs from non-public school programs at the district and regional levels is inconsistent with the principles articulated by the Commissioner – and upheld by the courts – in previous legal decisions concerning the administration of school athletics in New Jersey.

Further, if the NJSIAA determines to submit a future proposal for a rule change regarding the organization of athletic competition, it should be supported by a fully developed record that demonstrates how such an amendment would be in accord with past precedent. *See, e.g. The Olympic Conference v. The New Jersey State Interscholastic Athletic Association et al.*, Superior Court, Appellate Division, A-4986-81T1; decided March 9, 1983.

Sincerely,

A handwritten signature in cursive script that reads "Lucille E. Davy".

Lucille E. Davy  
Commissioner of Education  
State of New Jersey

C: Rev. Monsignor Michael E. Kelly  
Joseph C. Luongo, Superintendent of Schools  
Steven J. Timko, NJSIAA Executive Director