

JANICE RITTBERG-SNUFFER AND :
MICHAEL L. SNUFFER, :
 :
 PETITIONERS, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE TOWN :
 OF SECAUCUS, HUDSON COUNTY, : DECISION
 :
 RESPONDENT. :

SYNOPSIS

Petitioners challenged the Board's uniform dress code on behalf of their son, contending that the uniform policy was improperly adopted and that implementation of the policy for their son would result in harm to him. Respondent Board contends that *N.J.S.A.* 18A:11-7 grants school districts the right to develop and implement school uniform dress codes, and that the statutory requirements for implementing the uniform policy were followed.

The ALJ found, *inter alia*, that: the respondent Board adopted a policy for student school uniforms pursuant to *N.J.S.A.* 18A:11-8; parents, staff, and the student body were kept informed prior to adoption of the policy; the Board met statutory terms and conditions in adopting its uniform policy; petitioners failed to carry their burden of proof to show that the adopted policy was in violation of statutory provisions, and further failed to prove that their son would suffer any harm if required to wear the school uniform. Accordingly, the ALJ concluded that the action of the Board should stand, and dismissed the petition.

The Commissioner concurred with the ALJ that petitioners failed to meet their burden, and further found that there has been no showing that the respondent's uniform policy was improperly adopted or that harm would befall their son if he were required to adhere to the policy. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter and 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 10502-06
AGENCY DKT. NO. 264-8/06

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioners' exceptions – dated December 9, 2008 and filed December 10, 2008, in response to an Initial Decision which was mailed to the parties on November 26, 2008 – were untimely pursuant to *N.J.A.C.* 1:1-18.4. As such, these are not considered herein.

Upon her review, the Commissioner concurs with the Administrative Law Judge – for the reasons clearly presented in her decision – that petitioners have failed to satisfy their burden of establishing either that the Board's uniform policy was improperly adopted or that harm would befall their son if he were required to adhere to this policy.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 7, 2009

Date of Mailing: January 8, 2009

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36.

