

# NSJIAA eligibility appeals committee renders decision in Wayne Hills football controversy

Greg Tufaro, @GregTufaro 10:06 p.m. EST November 15, 2016



(Photo: ~File)

The NJSIAA's seven-member eligibility appeals committee, following nearly six hours of testimony and deliberation on Tuesday, reversed a previous statewide athletic association ruling that barred the Wayne Hills High School football team from the postseason for using three ineligible players.

The hearing came at the behest of acting State Commissioner of Education Kimberly Harrington, who determined last Thursday that the NJSIAA denied the three players, who are brothers, due process when it ruled last week that they violated the association's transfer rule.

As a result of the reversal, which determined the three players indeed established a bona fide change of residence when they transferred, Wayne Hills is officially reinstated into the North 1 Group IV bracket as the top seed and will host a first-round game against Roxbury this weekend.

The school district, which self-reported the potential rules violation last week to the NJSIAA, joined attorneys for the players in appealing the association's decision.

Regarding the self-report Wayne Public Schools filed with the statewide athletic association, NJSIAA Executive Director Steve Timko criticized the school district, stating it placed his organization "in a precarious situation" and that in the end "everyone" suffered.

"Its administrators did not conduct a thorough investigation or provide due process to its students," Timko said, noting that new evidence presented by those testifying on behalf of the three Wayne Hills players during the hearing at the association's Robbinsville headquarters led to the trio being declared eligible. "According to the seven-member committee, with this new perspective, the original information provided to the NJSIAA by the district was incomplete and conflicting testimony offered by school administrators was unreliable."

Timko said the Wayne School District approached the NJSIAA last week with "strong evidence that three of its student-athletes were ineligible."

"The association, in accordance with its rules, took necessary and appropriate action," he said. "In today's ruling, the Eligibility Appeal Committee found that the association acted suitably based on the original information provided by the school district."

The brothers transferred during the 2015-16 academic year from St. Joseph of Montvale, purportedly due to family reasons.

The brothers, who previously lived in Woodland Park, where their mother currently resides, would be eligible to play without having to sit 30 days under the NJSIAA's transfer rule, provided Wayne was their primary residence. Steve Edelstein, an attorney for the brothers, [told NJ Advance Media \(http://highschoolsports.nj.com/news/article/-6066643713692644895/new-evidence-emerges-with-wayne-hills-football-verdict-looming/\)](http://highschoolsports.nj.com/news/article/-6066643713692644895/new-evidence-emerges-with-wayne-hills-football-verdict-looming/) the boys have lived since October 2015 with their father in a cramped one-bedroom Wayne apartment with two large queen beds and a large sofa.

"In cases where a student resides with one parent and elects to change residence for transfer to another secondary school where the other parent resides, said student will be declared eligible immediately since this is considered a parental change of address," the NJSIAA transfer rule reads in part.

How do students establish residency to attend Wayne Public Schools? According to the school district's policy on eligibility, "The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions" of State Department of Education code.

Darren J. Del Sardo, a Woodlawn-based attorney representing the three Wayne Hills players, [told Gannet New Jersey \(http://www.mycentraljersey.com/story/sports/high-school/football/2016/11/10/stunning-reversal-njsiaa-football-ruling-wayne-hills/93615134/\)](http://www.mycentraljersey.com/story/sports/high-school/football/2016/11/10/stunning-reversal-njsiaa-football-ruling-wayne-hills/93615134/) that the information he received from his clients and shared with Harrington would indicate the brothers were eligible.

He told [The Record of Hackensack \(http://blogs.northjersey.com/varsity-aces/wayne-school-district-joins-football-parents-appeal-of-wayne-hills-disqualification-from-playoffs-1.1689768\)](http://blogs.northjersey.com/varsity-aces/wayne-school-district-joins-football-parents-appeal-of-wayne-hills-disqualification-from-playoffs-1.1689768) that the school district has on file a lease, as well as utility bills and "all kinds of documents explaining the residency," adding that "children can have two homes."

One of those homes in this case, however, must be a primary residence in Wayne. Once the eligibility of the brothers became an issue during the school district's internal investigation, Wayne Public Schools may have required further evidence to establish legal residency.

"In the case of a dispute between the school district and the parent or guardian of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district," Wayne Public Schools' policy reads.

Edelstein told NJ Advance Media (<http://highschoolsports.nj.com/news/article/-6066643713692644895/new-evidence-emerges-with-wayne-hills-football-verdict-looming/>) that none of the brothers who is of driving age, nor their father, ever changed the address on their driver's licenses from Woodland Park to Wayne, stating: "They never bothered to change the address on their licenses – which by my guess is the case with most people."