

OLIVIA C. HOWARD,	:	
	:	
PETITIONER,	:	
	:	
V	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE DEPARTMENT OF	:	DECISION
EDUCATION, OFFICE OF CRIMINAL	:	
HISTORY REVIEW AND NEW JERSEY	:	
STATE BOARD OF EXAMINERS,	:	
	:	
RESPONDENTS.	:	
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SYNOPSIS

Petitioner, applicant for teacher certification through the Alternate Route Program, challenged respondent’s determination that she is disqualified from school employment pursuant to *N.J.S.A.* 18A:6-7.1 based on her conviction for “death by auto.”

The ALJ determined that petitioner’s 1990 conviction under *N.J.S.A.* 2C:11-5, which was a third degree crime at that time, constituted a disqualifying offense because the crime is “substantially equivalent” to the second degree crime of vehicular homicide in the amended *N.J.S.A.* 2C:11-5. Moreover, the elements of petitioner’s crime involved both the use and threat of force upon a person.

The Commissioner affirmed the decision of the ALJ for the reasons set forth therein.

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 10197-00
AGENCY DKT. NO. 300-8/00

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, the Commissioner determines to affirm the Initial Decision of the Administrative Law Judge. Accordingly, the Initial Decision is adopted as the final decision for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: 10/01/01

Date of Mailing: 10/02/01

* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.