

DHPL #2-97
SB #6-97

IN THE MATTER OF THE DISQUALIFI- : STATE BOARD OF EDUCATION
CATION FROM SCHOOL EMPLOYMENT : DECISION ON MOTION
OF C.W.R., JR. :

Decided by the Deputy Commissioner of Education, January 3, 1997

For the Petitioner-Appellant, Bucceri & Pincus (Mary J. Hammer, Esq., of
Counsel)

C.W.R., Jr. (hereinafter "petitioner") was disqualified by the Office of Criminal History Review of the Department of Education from continued employment as a teacher in the State's schools when a fingerprint search conducted pursuant to N.J.S.A. 18A:6-7.1 revealed a conviction for possession of marijuana following his arrest in October 1986. Petitioner sought to overturn his disqualification on the basis of rehabilitation.

In a letter decision dated January 3, 1997, the Deputy Commissioner of Education upheld the disqualification,¹ finding that petitioner had failed to demonstrate clear and convincing evidence of his rehabilitation as required by N.J.S.A. 18A:6-7.1.

¹ We note that N.J.S.A. 18A:4-33 authorizes the Commissioner to "designate an assistant commissioner as deputy commissioner with full power to act in his place and stead during any absence or inability of the commissioner and at such other times as the commissioner may designate." Such authority expressly includes assignment by the Commissioner of the "hearing and determination of controversies and disputes which may arise under the school laws...." N.J.S.A. 18A:4-34.

Petitioner, now represented by counsel, filed the instant appeal to the State Board, along with a motion to supplement the record on appeal pursuant to N.J.A.C. 6:2-1.9 with additional letters of recommendation.

The State Board grants petitioner's motion and directs re-establishment of the briefing schedule, which had been placed in abeyance pending our determination of the instant motion. Petitioner's brief in support of his appeal is due within 20 days from the date of this decision.

April 2, 1997

Date of mailing _____