

#25-13 (OAL Decision: Not yet available online)

JOHN MICHAELS,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
V.	:	
	:	DECISION
NEW JERSEY DEPARTMENT OF EDUCATION,	:	
OFFICE OF CRIMINAL HISTORY REVIEW,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner – formerly employed as a substitute custodian/maintenance employee in the Egg Harbor Township School District – challenged respondent’s determination, pursuant to *N.J.S.A. 18A:6-7.1*, that he is permanently disqualified from school employment in New Jersey as a result of drug convictions in 1984 and 1990. Petitioner previously filed a motion for emergent relief in this matter, which was denied.

The ALJ found that: *N.J.S.A. 18A:6-7.1* is clear in its requirement that a school cannot employ a staff member if that individual has a disqualifying criminal history record; petitioner’s criminal history record check revealed two convictions for drug offenses which are permanently disqualifying for employment in New Jersey schools; the statute applies prospectively, and contains no waiver or appeal process to determine whether an individual is rehabilitated. Accordingly, the ALJ affirmed the respondent’s action to disqualify petitioner from school employment, and dismissed the petition.

The Commissioner concurred with the ALJ’s findings and conclusions, and adopted the Initial Decision as the final decision in this matter. Accordingly, 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.
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January 28, 2013

OAL DKT. NO. EDU 9474-12
AGENCY DKT. NO. 194-7/12

JOHN MICHAELS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 : DECISION
 NEW JERSEY DEPARTMENT OF EDUCATION, :
 OFFICE OF CRIMINAL HISTORY REVIEW, :
 :
 RESPONDENT. :
 _____ :

In this matter petitioner challenged his disqualification from employment as a substitute custodian in the Egg Harbor School District. A review of the record and the Initial Decision of the Office of Administrative Law reveals 1) that prior to seeking employment in the Egg Harbor school district, petitioner had been convicted of one or more offenses that are identified in *N.J.S.A.* 18A:6-7.1 as disqualifying offense(s), and 2) that petitioner does not deny same.

In light of the foregoing, the Commissioner concludes that petitioner cannot overcome the mandate of *N.J.S.A.* 18A:6-7.1, *i.e.*, that individuals convicted of certain enumerated offenses may not be employed in schools under the jurisdiction of the Department of Education. Accordingly, the Commissioner adopts the Initial Decision as the final decision in this case, for the reasons articulated by the Administrative Law Judge. The petition is hereby dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: January 28, 2013
Date of Mailing: January 29, 2013

¹ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).