

90-26  
OAL Dkt. No. EDU 03211-25  
Agency Dkt. No. 3-1/25

**New Jersey Commissioner of Education**  
**Final Decision**

Michael Leal,

Petitioner,

v.

new Jersey Department of Education, Office of  
Student Protection,

Respondent.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), and the exceptions filed by petitioner pursuant to *N.J.A.C. 1:1-18.4* have been reviewed and considered.

The New Jersey Department of Education's Office of Student Protection (OSP) determined that petitioner was disqualified from employment in New Jersey's public schools based on a 2010 murder charge, for which he was found not guilty by reason of insanity (NGRI). Petitioner appealed and argued that he was not convicted of murder, and the disqualification statute, *N.J.S.A. 18A:6-7.1*, requires a conviction. The Administrative Law Judge (ALJ) concluded that a plain reading of the term "conviction" that excluded an NGRI verdict would lead to an absurd result that was inconsistent with the legislative history of the disqualification statute. The ALJ further found that while petitioner raised claims under New Jersey's Law Against Discrimination

(LAD) in his opposition to the OSP's motion to dismiss, those claims were not raised in his petition of appeal and were therefore not properly before the OAL.

In his exceptions, petitioner argues that an NGRI verdict is a not-guilty verdict and is not a criminal conviction. Petitioner also contends that the ALJ did not address the legal significance of petitioner's unconditional discharge, which petitioner claims constitutes a judicial finding that he does not pose a danger to himself or others. Finally, petitioner argues that the ALJ did not substantively address petitioner's LAD claims.

Upon review, the Commissioner concurs with the ALJ, for the reasons thoroughly detailed in the Initial Decision, that petitioner is permanently disqualified from employment in New Jersey's public schools. *N.J.S.A. 18A:6-7.1* disqualifies a person from working in a public school if he has at any time been convicted of certain offenses, including murder. However, the term "conviction" is not defined either in *N.J.S.A. 18A:6-7.1* or in New Jersey's Code of Criminal Justice, *N.J.S.A. 2C:1-1 et seq.* As the ALJ noted, the legislative history of the disqualification statute demonstrates that it evolved over time to the point that disqualification is permanent and evidence of rehabilitation is irrelevant. Accordingly, the statute is remedial rather than punitive, and remedial statutes should be construed to include cases within their spirit when necessary to effectuate the legislative intent. *City of Newark v. Twp. of Hardyston*, 285 *N.J. Super.* 385, 394 (App. Div. 1995).

The New Jersey Supreme Court has explained that an NGRI verdict recognizes "those instances where guilty acts have occurred" even though the accused did not know what he was doing, or that what he was doing was wrong. *N.J. v. Ortiz*, 193 *N.J.*278, 280 (2006). Applying this reasoning to petitioner's circumstances, the Commissioner finds that petitioner committed the

act of killing another person, even though he was ultimately determined not to be criminally responsible for it. A plain reading of the term “conviction” to exclude an NGRI verdict, such as in the circumstances present here, would lead to an absurd result. The Commissioner therefore concludes that petitioner’s permanent disqualification from public school employment is consistent with the legislative intent of *N.J.S.A. 18A:6-7.1* and effectuates the principal aim of the legislature to protect the health and safety of New Jersey’s schoolchildren.

The Commissioner further concurs with the ALJ that petitioner did not raise any LAD claims in his petition of appeal, and they were therefore not properly before the OAL or the Commissioner to address.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>1</sup>

  
COMMISSIONER OF EDUCATION

Date of Decision: March 16, 2026  
Date of Mailing: March 16, 2026

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION GRANTING**

**MOTION TO DISMISS**

OAL DKT. NO. EDU 03211-25

AGENCY DKT. NO. 3-1/25

**MICHAEL LEAL,**

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF EDUCATION,**

**OFFICE OF STUDENT PROTECTION,**

Respondent.

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**Michael Leal**, petitioner, pro se

**David Kalisky**, Deputy Attorney General, for respondent (Matthew J. Platkin,  
Attorney General of New Jersey, attorney)

Record Closed: November 25, 2025

Decided: December 19, 2025

BEFORE **DEIRDRE HARTMAN-ZOHLMAN**, ALJ:

**STATEMENT OF THE CASE**

Petitioner, Michael Leal, challenges the determination by respondent, the Department of Education, Office of Student Protection, that he is permanently disqualified

from public school employment under N.J.S.A. 18A:6-7.1 due to a murder charge for which he was found not guilty by reason of insanity (NGRI).

Respondent seeks an order dismissing the petition, asserting that N.J.S.A. 18A:6-7.1 explicitly disqualifies a person who has “a record of conviction” for murder. Although a NGRI verdict is not a conviction, petitioner violently took another person’s life and the spirit of N.J.S.A. 18A:6-7.1, which is designed to protect children, requires petitioner’s disqualification from working in the public schools. Petitioner opposes.

### **PROCEDURAL HISTORY**

On January 4, 2025, petitioner filed a pro se Petition of Appeal (“appeal”) seeking to overturn a permanent disqualification from serving in any position with any educational institution under the supervision of the Department of Education due to his having been charged with murder and despite a finding of NGRI. (R-5.)<sup>1</sup>

On February 14, 2025, the Department of Education, Office of Controversies and Disputes, transmitted the matter to the Office of Administrative Law (OAL), where it was filed as a contested case under N.J.S.A. 52:14F-1 to -13 and N.J.S.A. 52:14B-1 to -15. In lieu of filing an answer to the petition, respondent filed a motion to dismiss. Status conferences were held on June 30, 2025, and September 9, 2025. On November 3, 2025, petitioner filed a response in opposition to respondent’s motion. On November 25, 2025, respondent submitted a reply to petitioner’s opposition.

### **DISCUSSION AND FINDINGS OF FACT**

I **FIND** the following **FACTS** to be uncontested:

In 2010, petitioner was charged with murdering his roommate at Princeton House, a behavioral-health facility in Princeton, “when dominated by schizophrenic

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<sup>1</sup> The parties’ exhibits were labeled alphabetically. Consistent with the OAL Practice Manual, the exhibits were relabeled numerically, with each document reassigned a corresponding number, but the pagination was not changed.

hallucinations.” (R-1; P-3.) Petitioner was alleged to have “purposely or knowingly cause[d] the death of [his roommate], specifically by stabbing him in the neck and side of the body with a pen and throwing him to the floor, punching, kicking and stomping on his head repeatedly and slamming his head into the bed frame.” (R-1.) In 2012, after a bench trial, a judge acquitted petitioner of murder on the ground of insanity but ordered petitioner to be committed to a mental-health facility. (R-3.)

Petitioner spent nine years at the Trenton Psychiatric Hospital. (P-3.) In 2019, while committed, petitioner was convicted of petty disorderly conduct under N.J.S.A. 2C:33-2(a)(2) (“[c]reates a hazardous or physically dangerous condition by any act which serves no legitimate purpose of the actor”). (R-3.)

In 2024, after his release from the psychiatric hospital, petitioner applied for a paraprofessional job with a public school in New Jersey. (R-7.) Upon applying, petitioner was required by law to submit his fingerprints to respondent for a criminal-history record check by the FBI and the State Police. (R-8.) The background check revealed the murder charge and the NGRI verdict. (R-3.)

By letter dated November 22, 2024, respondent notified petitioner that, based on his criminal history, he was permanently disqualified from public school employment. (R-8.)

For years after his NGRI verdict, petitioner was under court supervision pursuant to State v. Krol, 68 N.J. 236 (1975) (“Krol status”).<sup>2</sup> On July 15, 2025, after the

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<sup>2</sup> Under N.J.S.A. 2C:4-8(b), when a defendant is found NGRI:

The court shall dispose of the defendant in the following manner:

- (1) If the court finds that the defendant may be released without danger to the community or himself without supervision, the court shall so release the defendant; or
- (2) If the court finds that the defendant may be released without danger to the community or to himself under supervision or under conditions, the court shall so order; or

Commissioner sent the petition and motion to the OAL, a court ordered that petitioner be released from Krol status without conditions. (P-4.)

### **Parties' Arguments**

Respondent submits that “[t]he petition of appeal fails to advance a cause of action because [N.J.S.A. 18A:6-7.1] should be read to disqualify a person who received a NGRI verdict following a violent killing, who is subject to Krol supervision and who committed another offense involving violence nine years after the killing.”

Respondent asserts that N.J.S.A. 18A:6-7.1 was enacted to protect school children from violent individuals. The statute states that a person will be disqualified from working with school children if the individual has a record of conviction for any crime of the first or second degree, including murder. A person who is disqualified may challenge the accuracy of the disqualifying criminal-history record. The Legislature amended N.J.S.A. 18A:6-7.1 to remove the ability of individuals convicted of crimes, such as murder, to be employed in public schools after rehabilitation. The concern was that there remains a permanent risk that these individuals are not fully rehabilitated. Since these individuals were already punished for their crimes, the enactment of this statute is remedial and not punitive. As such, respondent argues that remedial statutes must be construed liberally, and the court must consider whether a strict or literal reading of N.J.S.A. 18A:6-7.1 would lead to an absurd result.

Respondent argues that a strict or literal reading of the word “conviction” in N.J.S.A. 18A:6-7.1 would not lead to a sensible result and would undermine the purpose of this legislation—to protect school children from violent individuals. As such, respondent argues that N.J.S.A. 18A:6-7.1 should be expansively read to disqualify petitioner.

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(3) If the court finds that the defendant cannot be released with or without supervision or conditions without posing a danger to the community or to himself, it shall commit the defendant to a mental health facility.

According to the Supreme Court, “Krol periodic review hearings must be held for those defendants acquitted by reason of insanity who are committed under N.J.S.A. 2C:4-8(b)(3) as well as for those who are released subject to supervision or conditions pursuant to N.J.S.A. 2C:4-8(b)(2), but not for those who are released without supervision or conditions as provided in N.J.S.A. 2C:4-8(b)(1).” State v. Ortiz, 193 N.J. 278 (2008).

In opposition, petitioner argues that respondent's motion to dismiss fails because N.J.S.A. 18A:6-7.1 only applies to convictions, and his NGRI acquittal is not a conviction. Petitioner states that respondent's interpretation would rewrite the term "conviction" to include acquittals, which is against the legislative intent. Petitioner argues that respondent's position conflicts with established case law on NGRI dispositions, as those acquitted via NGRI are not criminals, but patients who need rehabilitation until they no longer pose a danger to themselves or others. Lastly, petitioner argues that his disqualification constitutes unlawful discrimination under the New Jersey Law Against Discrimination (LAD), as the statute broadly protects individuals with actual or perceived mental illnesses from employment discrimination.

## **DISCUSSION AND CONCLUSIONS OF LAW**

### **I. Standards for a motion to dismiss**

The rules of procedure governing petitions of appeal filed with the Commissioner permit a respondent to submit a motion to dismiss in lieu of an answer "on the grounds that the petitioner has advanced no cause of action even if the petitioner's factual allegations are accepted as true or for lack of jurisdiction, failure to prosecute, or other good reason." N.J.A.C. 6A:3-1.10; N.J.A.C. 6A:3-1.5(g). However, these education rules do not offer any guidance on the standards by which such motions should be assessed.

The Uniform Administrative Procedure Rules (UAPR), N.J.A.C. 1:1-1.1 to -21.6, also do not include such standards, but provide that, "[i]n the absence of a rule, a judge may proceed in accordance with the New Jersey Court Rules, provided the rules are compatible with" the UAPR, which are designed "to achieve just results, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay," N.J.A.C. 1:1-1.3(a).

Here, the court rule that fills the void is R. 4:6-2, which, like N.J.A.C. 6A:3-1.5(g) and N.J.A.C. 6A:3-1.10, allows for motions to dismiss. And since R. 4:6-2 serves the interests of time and expense and may help achieve just results, it is compatible with the

UAPR's purposes, and thus it is appropriate to assess respondent's motion to dismiss in lieu of an answer under the standards used by the courts in applying R. 4:6-2.

Under these standards, if the basis for a motion to dismiss is that the petition has advanced no cause of action, or failed to state a claim upon which relief may be granted, "the test for determining the adequacy of [the] pleading [is] whether a cause of action is 'suggested' by the facts," such that the "inquiry is limited to examining the legal sufficiency of the facts alleged on the face of the complaint." Printing-Mart Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989) (citing R. 4:6-2(e)); Velantzas v. Colgate-Palmolive Co., 109 N.J. 189, 192 (1988); Rieder v. Dep't of Transp., 221 N.J. Super. 547, 552 (App. Div. 1987)).

Importantly, for purposes of the motion, it does not matter whether a petitioner can ultimately "prove the allegation contained in the complaint," Printing-Mart, 116 N.J. at 746 (citing Somers Constr. Co. v. S. Gloucester Cnty. Reg'l High Sch. Dist. Bd. of Educ., 198 F. Supp. 732, 734 (D.N.J.1961)), because "all facts alleged in the complaint and the legitimate inferences drawn therefrom are deemed admitted," Smith v. City of Newark, 136 N.J. Super. 107, 112 (App. Div. 1975) (citing Heavner v. Uniroyal, Inc., 63 N.J. 130, 133 (1973); J.H. Becker, Inc. v. Marlboro Twp., 82 N.J. Super. 519, 524 (App. Div. 1964)). While "[a] complaint should not be dismissed . . . where a cause of action is suggested by the facts," "a dismissal is mandated where the factual allegations are palpably insufficient to support a claim upon which relief can be granted." Rieder, 221 N.J. Super. at 552.

Also, if "matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided by R. 4:46, and all parties shall be given reasonable notice of the court's intention to treat the motion as one for summary judgment and a reasonable opportunity to present all material pertinent to such a motion." R. 4:6-2.

## II. N.J.S.A. 18A:6-7.1 and the rules of statutory construction

N.J.S.A. 18A:6-7.1 forbids school districts from employing a person “in a position which involves regular contact with pupils unless the employer has first determined . . . that no criminal history record information exists on file [with the FBI or State Police] which would disqualify that individual from being employed or utilized in such capacity or position.” By its terms, N.J.S.A. 18A:6-7.1 permanently disqualifies a person from working in a public school if he has a “record of conviction for any crime of the first or second degree,” “a crime involving . . . murder,” and other enumerated crimes. N.J.S.A. 18A:6-7.1(d) states that “for the purposes of this section, a conviction exists if the individual has at any time been convicted under the laws of this State . . .” (Emphasis added). Here, the parties dispute whether the Legislature intended that someone like petitioner, who was found NGRI of murder, is nonetheless disqualified from public school employment under N.J.S.A. 18A:6-7.1.

“The object of statutory interpretation is to effectuate the intent of the Legislature, as evidenced by the plain language of the statute, its legislative history and underlying policy, and concepts of reasonableness.” State v. Courtney, 243 N.J. 77, 85 (2020) (citing State v. Rodriguez, 238 N.J. 105, 113, 207 (2019)). Under the rules of statutory construction, “[t]he statute’s plain language ‘is the “best indicator” of legislative intent.’” Ibid. (quoting Rodriguez, 238 N.J. at 113). But “when the statutory language is ambiguous or a plain reading of the statute leads to an absurd result, we may turn to extrinsic evidence, including legislative history, committee reports, and contemporaneous construction.” Id. at 86 (internal quotations omitted).

The analysis below will focus on two different methods available in determining whether petitioner’s NGRI verdict disqualifies him from working in the public schools. The first section will analyze the plain meaning approach in defining the term “conviction.” The second and third sections will consider whether a plain reading of the term “conviction” would lead to an absurd result if that term does not subsume an NGRI verdict on a murder charge by examining the legislative history of N.J.S.A. 18A:6-7.1.

A. The ordinary meaning of “conviction” and the nature of a NGRI verdict

As noted above, N.J.S.A. 18A:6-7.1 disqualifies a person from working in a public school if he has a “record of conviction for any crime of the first or second degree,” “a crime involving . . . murder,” and other enumerated crimes. N.J.S.A. 18A:6-7.1(a)–(c). And under the law, “a conviction exists if the individual has at any time been convicted under the laws of this State . . . .” N.J.S.A. 18A:6-7.1(d).

The term “conviction” is not defined under N.J.S.A. 18A:6-7.1 or New Jersey’s Code of Criminal Justice, N.J.S.A. 2C:1-1 to 104-9. The ordinary meaning of conviction is, however, “[t]he act or process of judicially finding someone guilty of a crime; the state of having been proved guilty.” Black’s Law Dictionary 358 (8th ed. 2004).

As for a NGRI verdict, the Supreme Court has explained that this legal outcome resides in the “netherworld” between guilty and not guilty verdicts:

New Jersey’s Code of Criminal Justice generally admits of two finite verdicts: guilty or not guilty. In the netherworld between these two findings, the Code also recognizes those instances where guilty acts in fact have occurred, but the accused, “at the time of such conduct[,] was laboring under such a defect of reason[] from disease of the mind as to not know the nature and quality of the act he was doing, or if he did know it, that he did not know what he was doing was wrong[.]” N.J.S.A. 2C:4-1. If those circumstances are proven, the verdict and judgment must reflect that the defendant has been acquitted by reason of insanity. N.J.S.A. 2C:4-3(b).

[Ortiz, 193 N.J. at 280.]

Given the ordinary meaning of “conviction” and the legal status of an NGRI verdict, the term “conviction” under N.J.S.A. 18A:6-7.1 does not plainly include an NGRI verdict because someone who has been acquitted of a crime on the ground of insanity has not been found guilty of a crime, or “been convicted under the laws of this State.”

Nonetheless, as the Court in Ortiz advised, NGRI verdicts involve “instances where guilty acts in fact have occurred.” This raises the question whether a plain reading of “conviction” under the disqualification statute would lead to an absurd result if that term is not expanded to include an NGRI verdict for an enumerated crime such as murder. To answer this question, it is necessary to turn to the legislative history of N.J.S.A. 18A:6-7.1.

B. The legislative history of N.J.S.A. 18A:6-7.1

As originally enacted in 1986, N.J.S.A. 18A:6-7.1 only disqualified individuals who committed criminal acts against children. L. 1986, c. 116. Then, in 1989, the Legislature amended the law to “add drug crimes and crimes of force such as armed robbery, assault, kidnapping, arson, manslaughter and murder to the list of convictions that may disqualify a prospective public school employee from employment.” L. 1989, c. 156; Statement to S3513 (May 1, 1989). At the time, the Legislature made clear that “[t]he crimes being added to the list will ensure that school employees are being screened for the type of past behavior that could pose a threat to the safety of our children.” Statement to S3513.

Under the first several iterations of N.J.S.A. 18A:6-7.1, disqualification was not necessarily permanent. L. 1986, c. 116; L. 1989, c. 156. Instead, a disqualified individual could become eligible for public school employment if he proved that he had been rehabilitated. Ibid. In 1998, however, the Legislature deleted the provision allowing for evidence of rehabilitation, thus making disqualification permanent for those who were convicted of an enumerated crime. L. 1998, c. 31. As explained by a sponsor of the bill that amended the law, “[w]e are entrusting these people with our children’s safety,” such that “[t]he risk that these people have not been rehabilitated is a gamble that we are not willing to take.” Senate Republican News, “Palaia/Robertson Background Check Bill Passes Last Hurdle” (June 30, 1998).

Based on this history, it is clear that the Legislature designed N.J.S.A. 18A:6-7.1 to protect school children from “exposure to harm by precluding those with nefarious backgrounds from having the opportunity to exert their influence in a position of authority and admiration.” Rixford v. New Jersey Dep’t of Educ., 97 N.J.A.R.2d (EDU) 320. And

the 1998 amendment to make disqualification permanent, regardless of whether the individual has been rehabilitated, shows that the legislation affecting this change was remedial in nature to further ensure the safety of schoolchildren.

In this regard, “[r]emedial statutes ‘will be construed to include cases within its spirit or reason, although technically outside its letter, when necessary to effectuate the legislative intent,’ such that “where the drafters of a statute did not consider or contemplate a specific situation, a court should interpret the enactment consonant with the probable intent of the drafters, had the situation at hand been anticipated.” Respt’s Motion Br. at 7 (quoting City of Newark v. Twp. of Hardyston, 285 N.J. Super. 385, 394 (App. Div. 1995)).

It is quite probable that, when the Legislature enacted N.J.S.A. 18A:6-7.1 in 1986 and later amended the law, legislators did not anticipate that someone who had been acquitted of an enumerated crime by reason of insanity would seek employment in the public schools. But in other protective laws that were enacted after N.J.S.A. 18A:6-7.1, the Legislature similarly treats individuals with NGRI verdicts and those who have been convicted of a crime to protect both children and society at large from recidivism.

First, under Megan’s Law, the Legislature recognized that “[t]he danger of recidivism posed by sex offenders and offenders who commit other predatory acts against children, and the dangers posed by persons who prey on others as a result of mental illness, require a system of registration that will permit law enforcement officials to identify and alert the public when necessary for the public safety.” N.J.S.A. 2C:7-1. As a result, “[a] *person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity* for commission of a sex offense . . . shall register” as a sex offender. N.J.S.A. 2C:7-2(a) (emphasis added).

Second, under the “DNA Database and Databank Act of 1994,” N.J.S.A. 53:1-20.17 to -20.28, “[t]he legislature finds and declares that DNA databanks are an important tool in criminal investigations and in deterring and detecting recidivist acts” and “[i]t is therefore in the best interest of the State of New Jersey to establish a DNA database and

a DNA databank containing blood or other biological samples submitted by *every person convicted or found not guilty by reason of insanity of a crime* or a specified disorderly persons offense and arrested for certain violent crimes.” N.J.S.A. 53:1-20.18 (emphasis added).

These preventative measures explicitly regulate someone with an NGRI verdict in addition to someone with a record of conviction to protect people from “the danger of recidivism.” It makes sense that the Legislature included people with NGRI verdicts under these laws because, while an NGRI verdict resides in the “netherworld” between a guilty and not guilty verdict, NGRI verdicts nonetheless arise from “instances where guilty acts in fact have occurred.”

Unlike Megan’s Law and the DNA law, N.J.S.A. 18A:6-7.1 does not specifically regulate people with NGRI verdicts; but like those other protective laws, N.J.S.A. 18A:6-7.1 is remedial in nature, protecting society from people who have committed certain guilty acts and who pose a distinct “danger of recidivism.”

**III. The petition must be dismissed because petitioner’s acquittal of murder on the ground of insanity permanently disqualifies him from public school employment under N.J.S.A. 18A:6-7.1**

Although N.J.S.A. 18A:6-7.1 does not explicitly or plainly disqualify someone who has been acquitted of murder on the ground of insanity, respondent’s motion to dismiss petitioner’s appeal must be granted because the legislative intent and spirit of N.J.S.A. 18A:6-7.1—and common sense—demand that the term “conviction” be read expansively to disqualify someone who committed murder but who was acquitted of that charge by reason of insanity.

While, under N.J.S.A. 18A:6-7.1, the Legislature has not specifically regulated an NGRI verdict in addition to convictions like in Megan’s Law and the DNA law, N.J.S.A. 18A:6-7.1 should be read to include an NGRI verdict for an enumerated crime because, like those other statutes, N.J.S.A. 18A:6-7.1 is remedial and is meant to protect children from people who committed a guilty act that, by its nature, poses a distinct threat to children’s well-being.

Regardless of petitioner's acquittal of murder on the ground of insanity, a guilty act—a murder—nonetheless occurred. In other words, a plain reading of "conviction" to exclude an NGRI verdict on a murder charge would lead to an absurd result that would—against the Legislature's will—put children at risk. As such, and as a result of petitioner's NGRI verdict on a murder charge, he is permanently disqualified from working in public schools under N.J.S.A. 18A:6-7.1.

Lastly, although there is an argument that petitioner has been rehabilitated and released from Krol status by court order, he committed a permanently disqualifying act under N.J.S.A. 18A:6-7.1, and any evidence of his rehabilitation is irrelevant under that law.

For these reasons, respondent's motion to dismiss the petition must be granted.

#### **IV. Other arguments**

For purposes of respondent's motion, the "inquiry is limited to examining the legal sufficiency of the facts alleged on the face of the complaint," in which petitioner simply alleges that his NGRI verdict does not disqualify him from public school employment under N.J.S.A. 18A:6-7.1. As discussed above, respondent is entitled to an order granting its motion to dismiss the petition because the fact that petitioner was acquitted of murder on the ground of insanity does disqualify him under N.J.S.A. 18A:6-7.1. As such, other facts and arguments raised by the parties are irrelevant, but noted below for thoroughness.

First, respondent's reference to petitioner's 2019 conviction for petty disorderly conduct under N.J.S.A. 2C:33-2(a)(1) and petitioner's Krol status is irrelevant for purposes of respondent's motion to dismiss because they are matters outside of the petition, and that conviction is not disqualifying under N.J.S.A. 18A:6-7.1.

Second, while the Commissioner has concurrent jurisdiction with the Division of Civil Rights over certain LAD claims, Hinfey v. Matawan Reg'l Bd. of Educ., 77 N.J. 514

(1978), petitioner did not raise an LAD claim in his petition of appeal and therefore it is not properly before this tribunal.

### **Conclusions of Law**

Based on the foregoing, I **CONCLUDE** that respondent is entitled to an order dismissing petitioner's appeal for failure to state a cause of action under N.J.S.A. 18A:6-7.1. Petitioner is permanently disqualified from public school employment under N.J.S.A. 18A:6-7.1 because he was acquitted of murder on the ground of insanity. Allowing him to work with school children would undermine the legislative intent to protect children under N.J.S.A. 18A:6-7.1.

### **ORDER**

Based on the foregoing, it is hereby **ORDERED** that respondent's motion to dismiss be and is hereby **GRANTED** and;

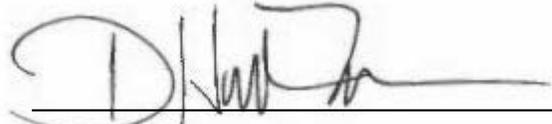
It is **FURTHER ORDERED** that the petition be and is hereby **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to [ControversiesDisputesFilings@doe.nj.gov](mailto:ControversiesDisputesFilings@doe.nj.gov) or by mail to **Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

December 19, 2025 \_\_\_\_\_  
DATE

  
\_\_\_\_\_  
**DEIRDRE HARTMAN-ZOHLMAN, ALJ**

Date Mailed to Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

DHZ/js/sb/jm

**APPENDIX**

**Exhibits**

**For petitioner**

Exhibits attached to petitioner's response to respondent's motion to dismiss:

- P-1 Emails dated November 13, 2024
- P-2 Emails dated November 25, 2024
- P-3 Petitioner's submission to NJDOE, OSP February 16, 2025
- P-4 Krol order dated July 15, 2025

**For respondent**

Exhibits attached to respondent's motion to dismiss:

- R-1 Printout of PROMISE/Gavel for complaint dated October 16, 2024
- R-2 NJ.com article
- R-3 FBI criminal history response dated September 19, 2024
- R-4 Printout of PROMISE/Gavel for complaint dated February 12, 2025
- R-5 Petition of Appeal dated January 4, 2025
- R-6 Printout of PROMISE/Gavel for complaint dated October 16, 2024
- R-7 Email exchange
- R-8 Disqualification letter dated November 22, 2024