

DHPL #495-97
SB # 89-97

IN THE MATTER OF THE DISQUALIFI- :
CATION FROM SCHOOL EMPLOYMENT : STATE BOARD OF EDUCATION
OF O.J.R. : DECISION

Decided by the Assistant Commissioner of Education, September 19, 1997

For the Petitioner-Appellant, O.J.R., pro se

O.J.R. (hereinafter "petitioner"), who was employed as a school bus mechanic by the Hunterdon County Educational Services Commission, was disqualified by the Office of Criminal History Review of the Department of Education from continued employment in the State's schools after a criminal history record review conducted pursuant to N.J.S.A. 18A:6-7.1 revealed that he had been convicted of possession of controlled dangerous substances following arrests in April 1980 and May 1992. Petitioner sought to overturn his disqualification on the basis of rehabilitation.

In a letter decision dated September 19, 1997, the Assistant Commissioner of Education, Executive Services, upheld the disqualification,¹ concluding that petitioner had failed to demonstrate clear and convincing evidence of his rehabilitation under the standard set forth in N.J.S.A. 18A:6-7.1(e). Petitioner filed the instant appeal to the State Board.

¹ N.J.S.A. 18A:4-34 authorizes the Commissioner to assign to an assistant commissioner the "hearing and determination of controversies and disputes which may arise under the school laws...."

We note initially that petitioner has submitted documents with his appeal which are not included in the record of this matter. Although petitioner has not requested to supplement the record on appeal, given his pro se status, we have supplemented the record sua sponte and have considered those documents in determining this matter.

After a careful review of the supplemented record, we affirm the decision of the Assistant Commissioner. While it is evident that petitioner is making impressive strides towards rehabilitation, in view of the serious nature of his disqualifying offenses and the fact that his efforts towards rehabilitation did not begin until April 1996, we are unable to conclude at this time that petitioner has affirmatively demonstrated his rehabilitation by clear and convincing evidence. We stress in so doing, however, that nothing in our decision herein precludes petitioner from reapplying to the Office of Criminal History Review once additional time has passed and seeking a determination from the Commissioner that he is qualified for school employment on the basis of rehabilitation.

January 7, 1998

Date of mailing _____