

DHPBL #495-98
SB # 95-98

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

Decided by the Assistant Commissioner of Education, October 23, 1998

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

J.A.R. (hereinafter "petitioner"), who was employed as a school bus driver, 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:6-39-19.1 revealed that she had been convicted of several disqualifying offenses involving controlled dangerous substances. Petitioner sought to overturn her disqualification on the basis of rehabilitation.¹

In a letter decision dated October 23, 1998, the Assistant Commissioner of Education, Executive Services, upheld the disqualification, concluding that petitioner had failed to demonstrate clear and convincing evidence of her rehabilitation as required by N.J.S.A. 18A:6-7.1.²

¹ We note that petitioner's criminal history record review was conducted prior to the 1998 amendments to N.J.S.A. 18A:6-7.1 and N.J.S.A. 18A:39-19.1 which eliminated rehabilitation as a basis for challenging a disqualification determination.

² 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 filed the instant appeal to the State Board.

After a thorough review of the record, we affirm the decision of the Assistant Commissioner. Although it appears that petitioner is making good progress towards rehabilitation, we are unable to conclude on the basis of the record before us that she has affirmatively demonstrated her rehabilitation by clear and convincing evidence, particularly in light of the nature and seriousness of her offenses, which included employing a juvenile in a drug distribution scheme, and the nature and responsibility of her position as a school bus driver. See N.J.S.A. 18A:6-7.1(e).

February 3, 1999

Date of mailing _____