

DHP #439-94  
SB # 20-95  
DHP #463-96

IN THE MATTER OF THE DISQUALIFI- :  
CATION FROM SCHOOL EMPLOYMENT : STATE BOARD OF EDUCATION  
OF ELOISE WIGGS. : DECISION

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Decided by the Deputy Commissioner of Education, January 30, 1995

Remanded by the State Board of Education, August 2, 1995

Decision on remand by the Commissioner of Education, October 21, 1996

For the Petitioner-Appellant, Essex-Newark Legal Services (Carleton A. Lewis, Esq., of Counsel)

On August 2, 1995, we granted the request of the parties to remand this matter to the Commissioner of Education for a hearing in order to provide petitioner, who had been disqualified from employment in the State's schools as a custodian following a criminal history record review conducted pursuant to N.J.S.A. 18A:6-7.1, with an adequate opportunity to establish a record in support of her contention that she had satisfied the statutory standard for rehabilitation. We retained jurisdiction.

In accordance with our remand, the Commissioner transmitted this matter to the Office of Administrative Law. On August 28, 1996, following a hearing, the Administrative Law Judge ("ALJ") rendered a decision in which she concluded that petitioner had established her rehabilitation. On October 21, 1996, the Commissioner rejected the ALJ's recommended decision, concluding that petitioner had not

demonstrated her rehabilitation by clear and convincing evidence. Accordingly, he upheld petitioner's disqualification.

Pursuant to the State Board's retention of jurisdiction, the Commissioner transmitted the file back to us in August 1997. No appeal has been filed from the Commissioner's decision of October 21, 1996.

After a review of the record, we are satisfied that the Commissioner complied with the terms of our remand and provided petitioner with an adequate opportunity to establish a record in support of her contention that she had satisfied the statutory standard for rehabilitation. Accordingly, pursuant to the Commissioner's decision, petitioner is disqualified from school employment, and we dismiss this matter.

October 1, 1997

Date of mailing \_\_\_\_\_