

New Jersey Commissioner of Education
Final Decision

Gavin Williams,

Petitioner,

v.

New Jersey Department of Education, Office of
Student Protection,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner adopts the Initial Decision as the final decision in this matter for the reasons stated therein. The Commissioner concurs with the Administrative Law Judge (ALJ) that, based upon his criminal record, petitioner is permanently disqualified from public school employment in New Jersey pursuant to *N.J.S.A. 18A:6-7.1(c)(1)* and (d).

Accordingly, the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹


ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 17, 2026
Date of Mailing: February 17, 2026

¹ 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

DISMISSAL

OAL DKT. NO. EDU 18741-25

AGENCY DKT NO. 310-9/25

GAVIN WILLIAMS,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
EDUCATION, OFFICE OF STUDENT
PROTECTION,**

Respondent.

Gavin Williams, petitioner, pro se

Rachel B. Kristol, Deputy Attorney General, for respondent (Matthew J. Platkin,
Attorney General of New Jersey, attorney)

Record Closed: December 9, 2025

Decided: January 20, 2026

BEFORE **PATRICE E. HOBBS**, ALJ:

STATEMENT OF THE CASE

Gavin Williams, who was convicted of manslaughter in New York in 2015 and obtained a New York certificate of relief from disabilities (CRD), applied for a substitute teaching certificate with the New Jersey Department of Education (DOE). The Office of

Student Protection (respondent) denied Williams employment and permanently barred him from employment with the DOE. Must Williams be permitted to be employed by the DOE? No. The DOE must permanently bar any person from employment who has, at any time, been convicted of manslaughter in this or any other state. N.J.S.A. 18A:6-7.1(1).

PROCEDURAL HISTORY

In 2025, Williams applied for a substitute teaching certificate with the New Jersey Department of Education. On September 12, 2025, the DOE received the required criminal background report from the Federal Bureau of Investigation (FBI). The criminal background report revealed that in 2015 Williams plead guilty to manslaughter, recklessly caused death and was sentenced to prison. On September 16, 2025, respondent notified Williams that he was permanently disqualified from serving in any position with the DOE.

On September 16, 2025, Williams filed a timely appeal. On October 24, 2025, respondent filed a Motion to Dismiss in Lieu of an Answer because Williams has failed to State a Cause of Action and that the statute prevents the DOE from employing Williams. On October 29, 2025, the case was transmitted from the Department of Education to the Office of Administrative Law (OAL) for a hearing as a contested case under N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F-1 to-13. On November 24, 2025, I held a status conference and directed Williams to file a response to the motion by January 9, 2026, allowing Williams who is appearing pro se sufficient time to file a response given the pending holidays. Respondent had no objections to the enlarged time for Williams to file his response. On December 9, 2026, Williams filed his response, and, on that date, I closed the record.

FINDINGS OF FACT

Based upon the documents the parties submitted, and my assessment of their sufficiency, I **FIND** the following **FACTS**:

Williams applied for a substitute teaching certificate in September 2025. The DOE requires all potential employees to submit a background check which is performed by the FBI.

On September 12, 2025, respondent received criminal history records (R-B) from the FBI. The records show that in New York State, Williams was convicted for manslaughter, recklessly caused death on January 30, 2015, and Williams was sentenced to prison.

On September 16, 2025, OSP notified Williams that he was permanently disqualified from employment with the DOE (R-C.)

Williams has a CRD from New York which specifically addresses the manslaughter conviction of January 30, 2015. The CRD states that Williams is entitled to relief from all legal bars and disabilities to employment, license and privilege, except those pertaining to firearms and the right to be eligible for public office.

Williams does not dispute the arrest, subsequent conviction or the prison time that he has served. Williams asserts that the CRD negates his conviction and permits him to be employed by the DOE. Williams further asserts that he should be permitted to work, earn a living and be a contributor to society following his punishment for his crimes.

CONCLUSIONS OF LAW

The central issue is whether the respondent's motion to dismiss should be granted or whether Williams is entitled to an evidentiary hearing to show that the respondent acted arbitrarily, capriciously or unreasonably and his application for employment should be considered by respondent.

Summary decision "may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter

of law.” N.J.A.C. 1:1-12.5(b). This rule is substantially like the summary judgment rule embodied in the N.J. Court Rules, R. 4:46-2. See Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954). All inferences of doubt are drawn against the party filing the motion and in favor of the party against whom the motion is directed. Id. at 75. The judge’s function is to determine whether there are genuine issues of fact to be adjudicated. Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995).

Having read the briefs and certifications and having reviewed the exhibits, I **CONCLUDE** that no issues of material fact exist and that the case is ripe for summary decision.

Any prospective employee of the Department of Education must consent to a criminal history record from the FBI or State Bureau of Investigation. N.J.S.A. 18A:6-7.1(1). The criminal history record of the prospective employee must be free from any criminal history conviction for any crime of the second or first degree. N.J.S.A. 18A:6-7.1(1). Any prospective employee must be permanently disqualified from employment if the prospective has a record of a conviction for a crime involving the use of force or the threat of force, including but not limited to, manslaughter. N.J.S.A. 18A:6-7.1(1)(c)(1). A conviction exists if the prospective employee was convicted under the laws of New Jersey or under any similar statute of the United States for a substantially equivalent crime. N.J.S.A. 18A:6-7.1(1)(d).

The Commissioner of Education is authorized to exchange fingerprint data with and receive criminal history records from the FBI. N.J.S.A. 18A:6-7.2. After reviewing the criminal history record, the Commissioner of Education must notify the applicant whether they are qualified for employment with the DOE. N.J.S.A. 18A:6-7.3.

When a local board of education acts within its discretionary authority, its decision is entitled to a presumption of correctness and will not be disturbed unless there is an affirmative showing that the decision was “patently arbitrary, without rational basis or induced by improper motives.” Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). Furthermore, “where there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due

consideration,” and the commissioner will not substitute his judgment for that of the board. Bayshore Sewerage Co. v. Dep’t of Env’t. Prot., 122 N.J. Super. 184, 199 (Ch. Div. 1973).

Williams does not dispute his conviction for manslaughter. He argues that he should be permitted to be employed after his conviction for manslaughter and to be a contributor to society. There is no dispute that Williams is permitted to be employed. His employment, however, cannot be with the DOE. The statute does not permit any discretion by the respondent. Any conviction for manslaughter in any of the fifty states permanently disqualifies Williams from employment with the DOE.

Williams also argues that the CRD from New York negates his manslaughter charge and permits him to be employed by the DOE. However, the Appellate Division has held that a New York CRD does not alter or affect the criminal conviction to which it relates. In re Winston, 438 N.J. Super 1, 9 (App. Div. 2014). In that case, Winston applied for a gun ownership license in New Jersey and asserted that the New York CRD permitted him to own a gun in New Jersey. The Appellate Division stated that the CRD merely removes certain disabilities and bars to employment normally attendant to a conviction under New York Law. The Appellate Division went on to state that New Jersey is not required to ignore the laws that treat those convictions as automatic disqualifiers because the New York CRD may remove those disqualifiers under New York law. Id. at 8. Here, Williams was convicted of a felony charge, manslaughter, in New York. The New Jersey statutes are clear: any manslaughter conviction in any state permanently bars employment with the DOE. A New York CRD will not alter the applicability of the New Jersey statutes. To be clear, Williams is not barred from all employment in New Jersey: he is only barred from employment with the DOE.

Therefore, based on the foregoing, I **CONCLUDE** that the respondent’s decision to permanently disqualify Williams was required by statute, was not arbitrary, capricious or unreasonable and the appeal must be **DISMISSED**.

ORDER

I **ORDER** that respondent's motion to dismiss in lieu of an answer is **GRANTED**, and the petition is **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 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.

January 20, 2026

DATE



PATRICE E. HOBBS, ALJ

Date Received at Agency: January 20, 2026

Date Mailed to Parties: January 20, 2026

APPENDIX

Moving papers for petitioner:

Email dated December 9, 2026

Moving papers for respondent:

Motion to Dismiss In Lieu of An Answer dated October 24, 2025

EXHIBITS

For Petitioner:

None

For Respondent:

- R-A Pro Se Petition of Appeal dated September 16, 2025
- R-B FBI Criminal History Report dated September 12, 2025
- R-C Emails from Office of Student Protection to Director Singh dated
September 16, 2025
- R-D Email from Office of Student Protection to Williams dated September 16,
2025