

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
JOEL D. IGNALL : ORDER OF REVOCATION

DOCKET NO. 283-03/95-118

At its meeting of March 30, 1995 the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Joel Ignall was convicted in October, 1993 on charges of possession of drug paraphernalia. He was fined and his driver's license was suspended for six (6) months. Currently, Respondent holds a county substitute license that expires on January 2, 1998.

At that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent based on the foregoing information. The Order was mailed to Respondent by regular and certified mail on May 22, 1995. On October 17, 1995, an Answer to the Order to Show Cause addressed to former Deputy Commissioner Richard DiPatri was received from Respondent. At its meeting of October 19, 1995, the State Board of Examiners voted to table the matter concerning Respondent and to allow him twenty (20) days to submit a response to the Order to Show Cause. On October 31, 1995 a response to the Order to Show Cause was received.

In the interim, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Revocation of the Teaching Certificates of Philip Sheridan by the State Board of Examiners, Dkt. No. 185-4/92-07, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Education, September 7, 1994, Decision on Remand, June 15, 1995. The other was In the Matter of the Revocation of the Teaching Certificates of Charles

Vitola by the State Board of Examiners, Dkt. No. 178-12/91-08, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Education, November 2, 1994, Decision on Remand, September 1, 1995. Within these two decisions, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the State Board of Examiner's regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

In compliance with said regulatory amendments, on July 26, 1997, a hearing notice was mailed by regular and certified mail to Respondent. Both copies were returned indicating that Mr. Ignall's forwarding order had expired. On August 29, 1997, the hearing notice was resent to the address provided by Motor Vehicle Services by regular mail. The hearing notice was returned indicating that Respondent was no longer at that address and there was no forwarding order on file. Although aware that the State Board of Examiners had initiated charges against him that could have serious consequences for his ability to seek employment as a substitute teacher, he failed to advise the Board of his current address. He has therefore, waived his right to participate in the hearing process. Thus, the State Board of Examiners will consider his Answer to the Order to Show Cause as his sole submission to counter the charges brought against him.

Respondent's Answer to the Order to Show Cause speaks to the Commissioner of Education's denial of his appeal following his disqualification from service in the public schools pursuant to N.J.A.C. 6-7.1 et seq. Respondent mentions that from the date of the denial of his appeal, he had been drug free for four months. He claims it is his intention to become a full-time

teacher through the alternate route and that being a schoolteacher is the only thing that he wants to do with the rest of his professional life. He submits that at the time of his indiscretion, he had no idea what he wanted to do with himself and therefore lacked direction and had very poor judgment. He avers his degree in economics was not fulfilling, but that teaching is the only thing that stimulates him on an emotional level. He states that he is truly motivated and has a sincere desire to help the public school children of this state reach their potential.

At its meeting of November 20, 1997, the State Board of Examiners reviewed the charges against Respondent as well as his Answer to the Order to Show Cause. After review of his Answer, the State Board of Examiners determined that no material facts related to Respondent's drug offense were in contest. Respondent does not deny that he has a conviction for illegal drug possession. The matter could related offense, constitutes conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1, therefore, proceed to a determination as to whether his disqualification based on a drug- related offense, constitutes conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners first noted that the instant hearing is not one which considers evidence of rehabilitation. See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, decided by the State Board of Examiners March 28, 1996, aff'd State Board of Education September 6, 1996, aff'd App. Div. September 9, 1997. Therein, the State Board of Examiners held:

Neither does the language of this regulation [N.J.A.C. 6:11-3.6] support Petitioner's apparent contention that "new findings" includes evidence of rehabilitation or current ability to teach. See, e.g., In the Matter of the Revocation of the Teaching Certificate of James Noll by the State Board of Examiners, decided by the State Board of Examiners, February 7, 1990, citing Cox v. State Bd. of Examiners (App. Div. Docket No. A-3527-81T3)(November 18, 1983). Therein, it was determined that the purpose of the hearings conducted by the State Board of Examiners pursuant to N.J.A.C. 6:11-3.7(b)ii (now, N.J.A.C. 6:11-3.6(a)1) is 'to permit the individual certificate holder to

demonstrate circumstances or facts to counter the charges set forth the Order to Show Cause, not to afford an opportunity to show rehabilitation. (Id. at p. 4)

Hence, the State Board of Examiners did not consider Respondent's statements concerning his alleged rehabilitation or how long he has been drug free, but instead focused on assessing whether his disqualification constitutes conduct unbecoming a license holder. Respondent, however, was offered the opportunity to show rehabilitation. N.J.S.A. 18A:6-7.1 has a provision for proving to the Commissioner of Education by clear and convincing evidence that an individual who is barred from employment in the public schools as a result of a disqualifying offense is rehabilitated and thus is a suitable candidate for employment. Plainly, Respondent was unable to demonstrate to the Commissioner's satisfaction that he was rehabilitated.

In enacting N.J.S.A. 18A:6-7.1 et seq., the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. It therefore barred from employment in schools those individuals convicted of a drug offense. This strong policy statement, that unrehabilitated drug offenders are precluded from any position that brings them in contact with public school pupils, is in accord with the Commissioner's policies regarding those who use illegal substances. In In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689, he emphasized that the use of drugs and the possession of drugs are inconsistent with the State's policy to eliminate drug abuse in the schools.

In this regard, school law cases have traditionally recognized the right of the State Board of Examiners to revoke licenses where the teacher was involved in criminal activities, even if said activities were not related to the classroom, see Cox v. State Board of Examiners (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981). Misuse of dangerous drugs by students themselves, or by the role models to whom students look for guidance, will not be tolerated under any circumstances. In the Matter of the

Certificate of Barbara Corwick, OAL Docket No. EDE 3562-87, State Board of Examiners decision (March 24, 1988).

Accordingly, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds respondent's conviction conduct unbecoming a license holder. The appropriate penalty for his unbecoming conduct is the revocation of respondent's county substitute license.

It is, therefore ORDERED that Joel D. Ignall's County Substitute license hereby be revoked on this 20th day of November, 1997.

It is further ORDERED that Joel D. Ignall return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: January 27, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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