

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE LICENSE OF : STATE BOARD OF EXAMINERS  
ROSE MORGAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO. 402 - 06/96 - 99

At its meeting of September 14, 1995, the State Board of Examiners voted to take no action to block issuance of a county substitute license to Rose Morgan after reviewing information that she provided concerning 1994 charges against her of criminal possession of marijuana.

At its meeting of June 20, 1996, the State Board of Examiners voted to issue an Order to Show Cause to Rose Morgan. The order was based upon information received from the Office of Criminal History Review indicating that Ms. Morgan had been disqualified from employment with any school or institution under the supervision of the Department of Education pursuant to N.J.S.A. 18A:6-7.1 et seq. based upon a 1974 conviction for possession of marijuana, Ms. Morgan did not appeal the disqualification.

The Order to Show Cause was mailed to Ms. Morgan by regular and certified mail on August 9, 1996. An Answer to the Order to Show Cause was received from Ms. Morgan on August 23, 1996. On July 1, 1997, pursuant to N.J.A.C. 6:11-3.6(a)1, another hearing notice was forwarded to Ms. Morgan by regular and certified mail. Said notice explained that, it appearing that no material facts were in dispute, Ms. Morgan was provided an opportunity to offer legal argument on the issue of whether her disqualification from employment in the public schools constituted conduct unbecoming a license holder.

On July 25, 1997, a response to the hearing notice was received from Ms. Morgan.

Ms. Morgan's response to the hearing notice raises the following points:

As to her 1974 conviction, Ms. Morgan submits that her conviction took place 27 years ago and because it was downgraded to a misdemeanor with the charges dismissed and with no probation or fines, she did not mention the matter in her application for licensure. She argues also that if she had been attempting to hide her criminal history, she would not have revealed the most recent 1991 charge of criminal possession of marijuana. She contends she was not attempting to cover up the 1974 charges.

Ms. Morgan also submits that she has been highly respected by staff and students in every school where she has worked. She believes because of some of the misfortunes of her past, she has been able to work and deal with students in relating to and reaching them, letting them know that drugs are not the way, but rather an education is most important in life. Ms. Morgan's Answer to the Order to Show Cause adds information concerning rehabilitation, and admits she at one time had a drug problem from which she is currently in recovery.

At its meeting of October 9, 1997, the State Board of Examiners reviewed the charges against Ms. Morgan as well as her responses to the Order to Show Cause and the hearing notice. After review, the State Board of Examiners determined that no material facts related to Ms. Morgan's convictions were in contest, and that the matter could, therefore, proceed to a determination as to whether the charges levied in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners first notes 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. 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 Ms. Morgan's statements concerning her current employment or her conduct since the offenses that gave rise to her disqualification pursuant N.J.S.A. 18A:6-7.1. Ms. Morgan, 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 Ms. Morgan was unable to demonstrate to the Commissioner's satisfaction that she 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 substance. In In The Matter of 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.

Ms. Morgan has been disqualified from employment in public schools because of her drug offenses. Accordingly, in light of the State's strong policy opposing the use of illegal drugs, Ms. Morgan disqualification is deemed conduct unbecoming a license holder.

It is, therefore, ORDERED that Rose Morgan's county substitute license is hereby revoked on this 9<sup>th</sup> day of October, 1997.

It is further ORDERED that Rose Morgan return her license to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

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Secretary  
State Board of Examiners

Date of Mailing: November 19, 1997

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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