

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CAROLYN WHITE : ORDER OF REVOCATION
_____ : DOCKET NO: 457-11/97-162

At its meeting of November 20, 1997, the State Board of Examiners reviewed information received from the Essex County Office of Criminal History Research indicating that Carolyn White pled guilty in November 1996 to charges of one count of possession of a controlled dangerous substance (cocaine). As a result of such conviction, on December 18, 1996, White was sentenced to one year probation, a six month suspension of her driver's license and fined. White, who had been employed by the Montclair Board of Education, resigned her tenured teaching position prior to tenure charges being certified to the Commissioner of Education. Upon review of this information, at their November 1997 meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent. White currently holds a Teacher of Elementary School certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on December 23, 1997. The certified mail was returned unclaimed. The regular mail copy was not returned. The Order provided that if Respondent desired to file an Answer, it had to be filed within twenty (20) days. White filed a non-conforming Answer on January 23, 1998. Thereafter, on March 5, 1998, the Board of Examiners gave White an additional twenty days to file a conforming Answer. She did not submit any further response.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on June 23, 1998, a hearing notice was mailed by regular and certified mail to White. The notice explained that since it appeared no material facts were in dispute regarding her conviction, respondent was offered an opportunity to

submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her conduct warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail return receipt was returned unclaimed. The regular mail copy was not returned. White did not respond to the Hearing Notice.

At its meeting of September 24, 1998, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. Since White failed to respond to the hearing notice, the State Board of Examiners considered her Answer as the only responsive pleading in the hearing process. After review of that response, the Board of Examiners determined that no material facts related to respondent's offense were in dispute.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether White's conviction for possession of a controlled dangerous substance constitutes conduct unbecoming a teaching staff member and gives the Board just cause to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. In her Answer, White focused on her achievements as a teacher. She admitted her conviction for cocaine possession and talked of her recovery and rehabilitation efforts. These included attending private therapy four days a week, attending several Narcotics Anonymous programs and working on a twelve-step program with a sponsor.

In rendering its decision, the State Board of Examiners first noted that notwithstanding White's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate

circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 aff’d App. Div. Dkt. No. A-1246-96T5 (September 9, 1997)(citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners decision (February 7, 1990)). Hence, the State Board of Examiners did not consider White’s statements concerning her alleged rehabilitation or how long she has been drug free, but instead focused on assessing whether her conviction for drug possession constituted conduct unbecoming a certificate holder.

In this regard, school law cases have traditionally recognized the right of the State Board of Examiners to revoke certificates where the teacher was involved in criminal activities, even if the 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). The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, whether by the use of drugs or their manufacture and distribution, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school aged pupils.

Accordingly, in light of this State’s strong policy opposing the use of illegal drugs, the State Board of Examiners finds White’s conviction for possession of a controlled dangerous substance conduct unbecoming a certificate holder. That conduct also provides just cause to take

action against White's certificate. The Board determines that the appropriate penalty here is the revocation of that certificate.

Accordingly, it is therefore ORDERED that Carolyn White's Teacher of Elementary School certificate be revoked on this 24th day of September, 1998. It is further ORDERED that White return her certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: December 3, 1998

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

IBG:MZ:br:carolynwhite