

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ROY L. COUSER : ORDER OF REVOCATION
_____ : DOCKET NO: 485-09/98-178

At its meeting of September 24, 1998, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Roy L. Couser was convicted in 1993 on charges of possession of a controlled dangerous substance. As a result of such conviction, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent did not appeal such disqualification before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Couser is currently the holder of a Teacher of Social Studies certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on October 21, 1998. The Order provided that if Respondent desired to file an Answer to the Order, such Answer must be filed within twenty (20) days. Couser submitted a response on November 12, 1998.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on November 16, 1998, a hearing notice was mailed by regular and certified mail to Couser. The notice explained that since it appeared no material facts were in dispute regarding his disqualification, 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 him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his

certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On November 30, 1998, the hearing notice was re-sent to a new address. Couser did not respond to the hearing notice. On February 2, 1999, respondent was advised by certified and regular mail that he was being provided an additional ten days to file a response to the initial hearing notice. The certified mail return receipt was returned. The regular mail copy was not returned. No response has been received on behalf of Couser.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Couser's conviction and subsequent disqualification for possession of a controlled dangerous substance constitute conduct unbecoming a certificate holder. Since Couser failed to respond to the hearing notices, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of April 15, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to respondent's offense were in dispute since Couser admitted to the offense.

The issue now before the State Board of Examiners in this matter, therefore, is to determine whether Respondent's disqualification, which was predicated on the same drug offense as was set forth in the Order to Show Cause, represents just cause to act against Respondent's certificate pursuant to N.J.A.C. 6:11-3.6(a)1.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 *et seq.*, in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989 the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. See, N.J.S.A.

18A:6-7.1b. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. 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, the State Board of Examiners finds that the disqualification of Respondent from service in the public schools of this State because of his conviction for possession of a controlled dangerous substance offense provides just cause to take action against Respondent's certificate.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Respondent's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that Roy L. Couser's Teacher of Social Studies certificate be revoked on this 15th day of April, 1999. It is further ORDERED that Roy L.

Couser return his 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 decision.

Secretary
State Board of Examiners

Date of Mailing: May 4, 1999

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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