

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ABDEL 'RAHIM ISHMAEL: ORDER OF REVOCATION
_____ : DOCKET NO: 571-05/00-247

At its meeting of May 11, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Abdel 'Rahim Ishmael was convicted in 1979 on charges of possession of marijuana. As a result of such conviction, Ishmael was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Ishmael 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 Ishmael an Order to Show Cause. Ishmael is currently the holder of a County Substitute certificate issued by the Union County Office of Education.

The Order to Show Cause was mailed to Ishmael by regular and certified mail on June 26, 2000. The Order provided that an Answer to the Order must be filed within 20 days. Ishmael filed a response on July 7, 2000. In that Answer, Ishmael admitted that he had been found guilty of marijuana possession and fined \$25. (Answer, ¶ 4). Ishmael stated that the record of arrest and fine were correct but that the amount and the substance found were incorrect. (Answer, ¶ 5). Ishmael claimed he paid the fine because he did not want to spend time in jail. Ishmael stated that he should not be disqualified because his offense occurred 20 years ago and was a misdemeanor. (Answer, ¶ 6).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on August 10, 2000, a hearing notice was mailed by regular and certified mail to Ishmael. The notice explained that since it appeared no material facts were in dispute regarding his disqualification, Ishmael 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. The certified mail copy was returned unclaimed. The regular mail copy was not returned. On August 23, 2000 and again on November 21 2000, Ishmael indicated that he would be seeking an expungement of his conviction. He added that he would be forwarding correspondence requesting that the Board of Examiners hold the Order to Show Cause in abeyance during the pendency of the expungement petition. Ishmael never responded to the hearing notice.

At its meeting of February 22, 2001, the State Board of Examiners reviewed the charges and papers Ishmael filed in response to the Order to Show Cause. Since Ishmael failed to respond to the hearing notice, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process. After review of the response, the Board of Examiners determined that no material facts related to Ishmael's offense were in dispute since Ishmael admitted that he had been convicted of the drug offense mentioned in the Order to Show Cause.

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

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 Ishmael's disqualification from service in the public schools of this State because of his conviction for possession of marijuana provides just cause to take action against Ishmael'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 Ishmael'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 Abdel 'Rahim Ishmael's County Substitute certificate be revoked on this 22nd day of February 2001. It is further ORDERED that Ishmael 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: March 28, 2001

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

IBG:MZ:kb:Abdel Rahim Ishmael