

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ELISHA HARRIS : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-109

At its meeting of October 28, 2004, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Elisha Harris had been arrested and charged with resisting arrest, attempting to elude the police, using or being under the influence of a controlled dangerous substance, possession of marijuana/hash, distribution of heroin/cocaine and possession of drug paraphernalia. If Harris is convicted, she would be disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Harris did not challenge the accuracy of her criminal history record. Harris currently holds a Teacher of Elementary School Certificate of Eligibility, issued in October 2000. Upon review of the above information, at its October 28, 2004 meeting, the State Board of Examiners voted to issue Harris an Order to Show Cause as to why her certificate should not be suspended pending resolution of the underlying criminal charges against her.

The Board sent Harris the Order to Show Cause by regular and certified mail on January 6, 2005. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Harris must file an Answer within 30 days. Harris did not respond to the Order. Thereafter, on February 15, 2005, the Board sent Harris a second notice by regular and certified mail providing her an additional 15 days in which to file an Answer. The certified mail receipt was signed and returned. The regular mail copy was not returned. Once again, Harris did not file an Answer. Both notices advised Harris that if she did not respond to the charges, the Board would decide the matter based solely on the information it already possessed.

At its meeting of May 5, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no

material facts related to Harris' offense were in dispute since she had never denied that she had committed the offenses nor did she deny the resulting potential disqualification in the event of a conviction. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Harris' arrest and possible resultant disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A: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:6-7.1(b)*. 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 Harris' arrest and potential disqualification from service in the public schools of this State because of her drug offenses provides just cause to take action against her certificate.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A. 18A:6-7.1(b)* 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 would be barred from service in public schools if convicted of that offense, should not be permitted to retain the license that authorizes such service while the courts determine his or her culpability. Thus, because the Legislature considers Harris' offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction pending resolution of the criminal charges against her is the suspension of her certificate to teach. *See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector*, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of the disqualification pursuant to *N.J.S.A. 18A:6-7.1.*)

Accordingly, it is therefore ORDERED that Elisha Harris' Teacher of Elementary School Certificate of Eligibility be suspended on this 5th day of May 2005. It is further ORDERED that Harris return her certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: MAY 18, 2005

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