

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SHAUNA EHLERS : ORDER OF SUSPENSION
_____ : DOCKET NO: 0506-191

At its meeting of December 8, 2005, the State Board of Examiners reviewed information the Office of Criminal History Review (OCHR) had forwarded indicating that on November 15, 2004, Shauna Ehlers had been arrested and charged with possession/use of a controlled dangerous substance and possession of drug paraphernalia. As a result of this arrest, Ehlers faced potential disqualification from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Ehlers did not respond to a request from the OCHR to provide additional information about the arrest. Accordingly, the OCHR would not approve her for employment with any school district under the supervision of the Department of Education. Ehlers did not challenge the accuracy of her criminal history record. Upon review of the above information, at its December 8, 2005 meeting, the State Board of Examiners voted to issue Ehlers an Order to Show Cause as to why her certificate should not be revoked or suspended because of her arrest for a disqualifying drug-related offense and her failure to provide information. Ehlers currently holds a Teacher of English Certificate of Eligibility with Advanced Standing, issued in June 2004.

The Board sent Ehlers the Order to Show Cause by regular and certified mail on December 22, 2005. The certified mail was returned with a notation "unclaimed, unable to forward" and the regular mail copy was not returned. Ehlers did not respond to the Order. Thereafter, on March 22, 2006, the Board sent Ehlers a second notice by regular and certified mail. Again, the certified mail was returned with the notation "unclaimed, unable to forward" and the regular mail copy was not returned. Ehlers did not respond to the second notice. The Board contacted the Motor Vehicles Commission (MVC) for an alternative address, but the MVC had the same address the Board had used previously. The Board then published the Order to Show Cause on August 13 and 14, 2006. Ehlers did not respond to the published notice.

At its meeting of November 2, 2006, 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 Ehlers' offense were in dispute since she had never denied that she had been charged with the offense 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 Ehlers' arrest and possible resultant disqualification for possession/use of a controlled dangerous substance and possession of drug paraphernalia, and her failure to provide information to the OCHR, 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 its schools 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 Ehlers'

disqualification from service because of her arrest for drug-related offenses and her failure to provide information to the OCHR 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 Ehlers' 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.

Accordingly, on November 2, 2006, the Board of Examiners voted to suspend Ehlers' certificate pending resolution of the criminal charges against her. On this 7th day of December 2006 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Shauna Ehlers' Teacher of English Certificate of Eligibility With Advanced Standing be suspended effective this day. If the charges are resolved in her favor, she shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that Ehlers 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.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: DECEMBER 19th, 2006

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