

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
WESLEY DILLARD : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-280

At its meeting of June 9, 2005, the State Board of Examiners reviewed information the Division of Criminal Justice had forwarded indicating that on November 8, 2004, Wesley Dillard had pled guilty to possession of a controlled dangerous substance. As a result of the conviction, on February 4, 2005, Dillard was sentenced to two years' probation. The court also ordered Dillard to forfeit his teaching position and surrender his teaching his certificate. Upon review of this information, at its June 9, 2005, meeting, the State Board of Examiners voted to issue Dillard an Order to Show Cause. Dillard currently holds a Teacher of the Handicapped certificate, issued in May 1996.

The Board sent Dillard the Order to Show Cause by regular and certified mail on July 12, 2005. The Order provided that Dillard had 30 days within which to file an Answer. Dillard responded on September 15, 2005. In that Answer, Dillard admitted that he plead guilty to simple possession. (Answer, ¶4). He also stated that he was in an outpatient treatment program before he was arrested and that he was a productive member of society with an illness that he was working on every day. (Answer, ¶6). He also stated that his certification meant the world to him. (Answer, ¶6).

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on October 31, 2005, the Board sent Dillard a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding his conviction, Dillard 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 conduct warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail return receipt was signed and returned. The regular mail copy was not returned. Dillard did not respond to the hearing notice.

At its meeting of January 19, 2006, the State Board of Examiners reviewed the charges and papers Dillard filed in response to the Order to Show Cause. Since Dillard 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 that response, the Board of Examiners determined that no material facts related to Dillard's offense were in dispute since he never denied that he had committed the offense. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Dillard's conviction for possession of a controlled dangerous substance as set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

In rendering its decision, the State Board of Examiners first notes that notwithstanding Dillard's contentions of rehabilitation by working on his illness every day, 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 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 Dillard's statements concerning his alleged rehabilitation, but instead focused on assessing whether his conviction for drug possession constitutes conduct unbecoming a certificate holder. It finds that it does.

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 its schools have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. Thus, the misuse of drugs by students, or by the role models to whom students look to for guidance, will not be tolerated under any circumstance. *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 Dillard's conviction for possession of a controlled dangerous substance conduct unbecoming a certificate holder. That conduct also provides just cause to take action against Dillard's certificate. The Board determines that the appropriate penalty here is the revocation of that certificate.

Accordingly, pursuant to the Board of Examiners' vote, it is therefore ORDERED that Wesley Dillard's Teacher of the Handicapped certificate be revoked effective this 2nd day of March 2006. It is further ORDERED that Dillard return his 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: MARCH 8, 2006

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