

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
JOSHUA BAEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-127

At its meeting of November 2, 2006, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Joshua Baez was convicted in 2006 of charges for possession of a controlled dangerous substance. As a result of such conviction, Baez was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Baez did not appeal the disqualification before the Commissioner of Education. Baez currently holds a County Substitute credential, issued in January 2004. Upon review of the above information, at its December 7, 2006 meeting, the State Board of Examiners voted to issue Baez an Order to Show Cause.

The Board sent Baez the Order to Show Cause by regular and certified mail on December 19, 2006. The certified mail copy was signed for and returned. The regular mail copy was not returned. The Order provided that Baez must file an Answer within 30 days. Baez did not respond to the Order. Thereafter, on January 26, 2007, the Board sent Baez a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The certified mail copy was signed and returned. The regular mail copy was not returned. The notice explained that if he did not file a response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Baez did not file an Answer.

At its meeting of March 29, 2007, 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 Baez' offense were in dispute since he had never denied that he had been convicted of the offense nor did he deny the resulting disqualification. 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 Baez' disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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 Baez' disqualification from service in the public schools of this State because of his conviction for possession of a controlled dangerous substance provides just cause to take action against Baez' credential.

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 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 Baez' 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. *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, on March 29, 2007 the Board of Examiners voted to revoke Baez' credential. On this 3rd day of May 2007, the Board of Examiners formally adopted its written decision to revoke and it is therefore ORDERED that Joshua Baez' County Substitute credential be revoked effective this day. It is further ORDERED that Baez return his credential to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: MAY 4, 2007

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