

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JACQUELINE JOHNSON : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-119

At its meeting of January 17, 2008, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Jacqueline Johnson was convicted in 2006 on charges of possession of a controlled dangerous substance or analog. As a result of such conviction, Johnson was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Johnson did not appeal the disqualification before the Commissioner of Education. Johnson currently holds a Teacher of Elementary School certificate, issued in April 1976. Upon review of the above information, at its January 17, 2008 meeting, the State Board of Examiners voted to issue Johnson an Order to Show Cause.

The Board sent Johnson the Order to Show Cause by regular and certified mail on January 25, 2008. The certified mail copy was returned unclaimed. The regular mail copy was not returned. The Order provided that Johnson must file an Answer within 30 days. Johnson did not respond to the Order. Thereafter, the Board sent Johnson a second notice by regular and certified mail providing her an additional 15 days in which to file an Answer. The certified mail was returned. The regular mail copy was not returned. Once again, Johnson did not file an Answer.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(c)*, on May 29, 2008, the Board sent Johnson a notice by regular and certified mail providing her the opportunity to file a written submission with regard to the appropriate sanction in the event that the Board found just cause to revoke her

certificate. The notice also allowed Johnson to appear to offer testimony on the sanction issue. Johnson did not file a response to this notice either.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Johnson's disqualifying offense constitutes conduct unbecoming a certificate holder. Since Johnson failed to respond to the Order to Show Cause or the hearing notice, the State Board of Examiners considered only the allegations in the Order to Show Cause as the sole pleading in the hearing process.

At its meeting of September 11, 2008, the State Board of Examiners reviewed the charges alleged in the Order to Show Cause. After review of the Order, the Board of Examiners determined that no material facts related to Johnson's offense were in dispute since she never denied that she had committed the offense nor did she deny that she had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Johnson'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 her certificate 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 Johnson's disqualification from service in the public schools of this State because of her conviction for possession of a controlled dangerous substance or analog offense provides just cause to take action against Johnson's 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 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/herself* out as a teacher. Because the Legislature considers Johnson's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for her disqualification is the revocation 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, on September 11, 2008 the Board of Examiners voted to revoke Jacqueline Johnson's Teacher of Elementary School certificate. On this 16th day of October 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Johnson's certificate be effective immediately.* It is further ORDERED that Johnson return her certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

*Decision ratified on January 13, 2009

Date of Mailing:

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

RRH:MZ:RMG