

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
MONIQUE D. EVANS : ORDER OF REVOCATION
_____ : DOCKET NO. 399 - 06/96 - 91

At its meeting of June 20, 1996, the State Board of Examiners reviewed information provided by Monique D. Evans, who holds a Teacher of the Handicapped license in the State of New Jersey, indicating that she had two (2) convictions for possession of a controlled dangerous substance and one (1) conviction for intent to sell crack cocaine. Ms. Evans was sentenced to one to three (1-3) years in prison and completed her parole in January, 1995.

At that meeting the State Board of Examiners voted that said convictions constituted sufficient grounds for issuing an Order to Show Cause. The Order to Show Cause was mailed to Ms. Evans by regular and certified mail on August 9, 1996. On August 21, 1996, Ms. Evans mailed a response to the Order to Show Cause.

In the interim, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Certificates of Sheridan. The other is captioned In the Matter of the Certificates of Vitola. Within these two decisions, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the State Board of Examiner's regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

On June 26, 1997, a hearing notice was mailed by regular and certified mail to Ms. Evans pursuant to N.J.A.C. 6:11-3.6(a)1. Said notice explained that, it appearing that no

material facts were in dispute, Ms. Evans was provided an opportunity to offer legal argument on the issue of whether her conviction constituted conduct unbecoming a teacher. On July 18, 1997, a response to the hearing notice was received from Ms. Evans.

Ms. Evans' response to the hearing notice raises the following points:

1. She takes pride in having been honest in reporting her drug convictions, and believes that such honesty warrants her receiving a second chance to teach.
2. She speaks of her rehabilitation from drug dependence, stating she now works in a group home setting with adolescents who are emotionally disturbed. She contends she is now is a dependable and committed member of society, contributing a safe environment for the residents where she works. She avers she is an active member of Narcotics Anonymous and holds two service positions with her group. Finally, in regard to her rehabilitation, she notes she will be attending Hagerstown Junior College in the fall for an associates degree in Human Services.

Ms. Evans' Answer to the Order to Show Cause also admits involvement in drug-related activities, that her crimes were repetitive, but she avers that the span of time between arrests was short, from September, 1991 to January, 1992. She admits that she was imprisoned from January, 1992 until January, 1993. She states that since her parole in January, 1993, she has had no criminal charges lodged against her, and that she has since then been drug-free. She adds that she now is able to support and care for her two sons, and would like the chance to be a professional again, as she had been for four years before becoming involved with drugs.

At its meeting of October 9, 1997, the State Board of Examiners reviewed the charges against Ms. Evans as well as her responses to the Order to Show Cause and the hearing notice. It was noted that in addition to the three convictions she reported, Ms. Evans also has two convictions in 1988 and 1989 for possession of a controlled dangerous substance and for stealing a car. After review of her responses, the State Board of Examiners determined that no material facts related to Ms. Evans drug offenses were in contest. Ms. Evans did not deny that she had convictions for illegal drug use. The matter could, therefore, proceed to a determination as to

whether the charges levied against Ms. Evans in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners first noted that the instant hearing is not one which considers evidence of rehabilitation. See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, decided by the State Board of Examiners March 28, 1996, aff'd State Board of Education September 6, 1996, aff'd App. Div. September 9, 1997. Therein, the State Board of Examiners held:

Neither does the language of this regulation [N.J.A.C. 6:11-3.6] support Petitioner's apparent contention that "new findings" includes evidence of rehabilitation or current ability to teach. See, e.g., In the Matter of the Revocation of the Teaching Certificate of James Noll by the State Board of Examiners, decided by the State Board of Examiners, February 7, 1990, citing Cox v. State Bd. of Examiners (App. Div. Docket No. A-3527-81T3)(November 18, 1983). Therein, it was determined that the purpose of the hearings conducted by the State Board of Examiners pursuant to N.J.A.C. 6:11-3.7(b)ii (now, N.J.A.C. 6:11-3.6(a)1) is 'to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth the Order to Show Cause, not to afford an opportunity to show rehabilitation. Id. at p. 4)

Hence, the State Board of Examiners did not consider Ms. Evans statements concerning her alleged rehabilitation, but instead focused on assessing whether the criminal charges at issue, including the 1988 and 1989 convictions that she failed to mention, constitute conduct unbecoming a license holder.

In this regard, school law cases have traditionally recognized the right of the State Board of Examiners to revoke licenses where the teacher was involved in criminal activities, even if said 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 use of drugs and the possession of drugs are inconsistent with the State's policy to eliminate drug abuse in the schools, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. Misuse of dangerous drugs by students themselves, or by the role

models to whom students look for guidance, will not be tolerated under any circumstances. In the Matter of the Certificate of Barbara Corwick, OAL Docket No. EDE 3562-87, State Board of Examiners decision (March 24, 1988).

Accordingly, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds respondent's multiple drug and drug-related convictions conduct unbecoming a license holder. The appropriate penalty for her unbecoming conduct is the revocation of respondent's license.

It is, therefore, ORDERED that, the State Board of Examiners having reviewed the charges and having found that said charges warrant revocation of Monique Evans' Teacher of the Handicapped license, her license is hereby revoked on this 9th day of October, 1997.

It is further ORDERED that Monique D. Evans return her license to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

The \$25.00 duplicate license fee received from Ms. Evans is enclosed herewith.

Secretary
State Board of Examiners

Date of Mailing: November 19, 1997

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

IBG:KKH:br:Evansrv