

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
EDDY JAMES CROSS : ORDER OF REVOCATION
_____: DOCKET NO. 461 – 02/98-153

At its meeting of February 27, 1998, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Eddy James Cross was disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 et seq. The disqualification was based on Mr. Cross's February, 1978 conviction on charges of possession of marijuana. Mr. Cross did not appeal the disqualification. On his county substitute application, Mr. Cross indicated that he had not been convicted of a crime. Mr. Cross was issued a county substitute license through the Union County Office of Education.

At that meeting the State Board of Examiners voted that his disqualification from employment in public schools of this State constituted sufficient grounds for issuing an Order to Show Cause. Eddy James Cross was served with the Order to Show Cause by regular and certified mail on or about February 27, 1998. The Order provided that if Eddy James Cross desired to file an Answer to the Order, such answer must be filed within twenty (20) days. The regular mail copy was not returned. The certified mail return receipt card was returned. Twenty (20) days elapsed without an Answer having been filed by or on behalf of Eddy James Cross.

It is therefore ORDERED that the charges are deemed admitted for the purpose of this proceeding. The issue before the State Board of Examiners in this matter, therefore, is to determine whether Respondent's disqualification, which was predicated on the same drug

offense as was set forth in the Order to Show Cause, represents just cause to act against Respondent's licensure pursuant to N.J.A.C. 6:11-3.6(a) 1.

In enacting the Criminal History Review statute, N.J.S.A. 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:6-7.1b. 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 the schools districts 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 the disqualification of Respondent from service in the public schools of this State because of his conviction for a drug offense provides just cause to take action against Respondent's license.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b 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 Respondent's offense so significant, and because Mr. Cross failed to be forthcoming regarding the status of his criminal history in applying for licensure, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his teaching license.

It is, therefore, ORDERED that Eddy James Cross's County Substitute license is hereby revoked on this 18th day of June, 1998.

It is further ORDERED that Eddy James Cross return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: July 20, 1998

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

IBG:KHK:br:Crossrv