

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
BRETT DUNLAP : ORDER OF REVOCATION
_____: DOCKET NO. 462-02/98-150

At its meeting of February 27, 1998, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Brett Dunlap had been disqualified from public school employment due to his July, 1991 conviction on charges of possession of marijuana. He was sentenced to one (1) year of probation. The Commissioner of Education denied his appeal of his disqualification from public school employment. Currently, Mr. Dunlap holds a county substitute license issued through the Essex County Office of Education.

At that meeting the State Board of Examiners voted that Mr. Dunlap's disqualification constituted sufficient grounds for issuing an Order to Show Cause. Brett Dunlap was served with the Order to Show Cause by regular and certified mail on or about March 25, 1998. The Order provided that if Brett Dunlap desired to file an Answer to the Order, such answer must be filed within twenty (20) days. The certified mail was returned unclaimed. The regular mail copy was not returned. Twenty (20) days elapsed without an answer having been filed by or on behalf of Brett Dunlap.

It is therefore ORDERED that these 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 Brett Dunlap'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 his 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 herein 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, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his license to teach.

It is, therefore, ORDERED that, Brett Dunlap's county substitute license be revoked on this 18th day of June, 1998.

It is further ORDERED that Brett Dunlap 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:Dunlaprv