

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SHAWN MCCRAY : ORDER OF REVOCATION
_____ : DOCKET NO: 475-05/98-174

At its meeting of May 14, 1998, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Shawn McCray was convicted in 1990 on charges of possession of a controlled dangerous substance (cocaine). As a result of such conviction, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent did not appeal the disqualification before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. McCray currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on June 9, 1998. The Order provided that if Respondent desired to file an Answer to the Order such Answer must be filed within twenty (20) days. McCray sent a non-conforming response to the Order. Thereafter, on June 26, 1998, McCray was given another 20 days to submit a conforming response. No further response was received.

On February 3, 1999, McCray was again asked to provide a conforming response to the Order to Show Cause. The regular mail was not returned. The certified mail was returned as unclaimed. On April 30, 1999, the Board of Examiners sent McCray a hearing notice by regular and certified mail. Although he signed for the certified mail, he did not respond to the notice. Similarly, McCray did not respond to the second hearing notice that was sent to him by regular and certified mail on June 14, 1999.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether McCray's disqualification from public school employment constitutes conduct unbecoming a certificate holder. Since McCray never filed a conforming Answer, the State Board of Examiners considered his non-conforming Answer as the only responsive pleading in the hearing process.

At its meeting of September 23, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to respondent's offense were in dispute.

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 to determine whether Respondent'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 Respondent's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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 possession of a controlled dangerous substance provides just cause to take action against his certificate.

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 certificate to teach.

Accordingly, it is therefore ORDERED that Shawn McCray's County Substitute certificate be revoked on this 23rd day of September, 1999. It is further ORDERED that McCray return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

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.

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