

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
PAMELA BAILEY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 563-05/00-240

At its meeting of May 11, 2000, the State Board of Examiners reviewed information it had received from the Division of Criminal Justice pursuant to the Special Notice of Indictment/Conviction reporting systems. That information indicated that on February 10, 2000, Pamela Bailey was convicted of possession of a controlled dangerous substance (heroin), possession of a controlled dangerous substance with intent to distribute and possession of a controlled dangerous substance (cocaine) with intent to distribute within 1000 feet of school property contrary to the provisions of N.J.S.A. 2C:35-10(a)(1), 2C:35-5(a)(1) & (b)(3) and 2C:35-7, respectively. As a result of such conviction, on February 10, 2000, Bailey was sentenced to four years' incarceration in State prison. Upon review of the above information, at its May 11, 2000 meeting, the State Board of Examiners voted to issue Bailey an Order to Show Cause. Bailey currently holds a Teacher of Elementary School certificate.

The Order to Show Cause was mailed to Bailey by regular and certified mail on June 27, 2000. The Order provided that an Answer must be filed within 20 days. Bailey filed a letter in response on July 3, 2000. In that letter, Bailey claimed that the charges against her were not true and that she was in the process of appealing her criminal conviction. She asked for a chance to defend herself against the charges and asked the Board of Examiners not to revoke her certificate until her trial was complete.

On July 27, 2000, Bailey sent a formal Answer to the Order to Show Cause. In that Answer, Bailey admitted that the facts of her detainment were correct as stated in the order to Show Cause. (Answer, ¶ 1). She argued that she was wrongfully convicted of the charges and that her certificate should be suspended until she was in a position to defend herself against these false allegations. She asked the Board of Examiners to suspend her certificate during her confinement so that she could present evidence that she was wrongly convicted upon her release from prison. (Answer, ¶ 2). She stated that her appeal process should be completed within the next few months.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on August 10, 2000, the Board of Examiners mailed Bailey a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding her conviction, respondent was offered an opportunity to submit written arguments on the issue of

whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her conduct warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail return receipt was signed and returned. The regular mail copy was not returned. Bailey did not respond to the Hearing Notice.

At its meeting of December 7, 2000, the State Board of Examiners reviewed the charges and papers Bailey filed in response to the Order to Show Cause. Since Bailey failed to respond to the hearing notice, the State Board of Examiners considered her Answer as the only responsive pleading in the hearing process. After review of that response, the Board of Examiners determined that no material facts related to Bailey's offense were in dispute.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Bailey's conviction for possession of a controlled dangerous substance, possession of a controlled dangerous substance with intent to distribute and possession of a controlled dangerous substance within 1000 feet of school property constitutes conduct unbecoming a teaching staff member and gives the Board just cause to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

In this regard, school law cases have traditionally recognized the right of the State Board of Examiners to revoke certificates where the teacher was involved in criminal activities, even if the 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 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. Thus, the misuse of drugs by students, or by the role models to whom students look to for guidance, will not be tolerated under any circumstance. 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, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds that Bailey's conviction for possession of a controlled dangerous substance constitutes conduct unbecoming a certificate holder. That conduct also provides just cause to take action against Bailey's certificate. In

this instance, the Board determines that the appropriate penalty is the revocation of that certificate. Bailey admitted that she had been convicted of the offenses outlined in the Order to Show Cause. Thus, because her conviction record was accurate and contained a charge of possession of a controlled dangerous substance within 1000 feet of school property, Bailey should not be allowed to teach children in this state.

Accordingly, it is therefore ORDERED that Pamela Bailey's Teacher of Elementary School certificate be revoked on this 7th day of December 2000. It is further ORDERED that Bailey return her 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.

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Secretary  
State Board of Examiners

Date of Mailing: March 29, 2001

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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