

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
PATRICIA RECTOR : ORDER OF REVOCATION
_____ : DOCKET NO: 573-05/00-259

At its meeting of May 11, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Patricia Rector was convicted in 1975 on charges of possession of marijuana. As a result of such conviction, Rector was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Rector did not challenge the accuracy of the disqualification before the Commissioner of Education. Upon review of the above information, at that May meeting the State Board of Examiners voted to issue Rector an Order to Show Cause.

The Board mailed Rector the Order to Show Cause by regular and certified mail on June 26, 2000. Rector did not file a response to the Order to Show Cause. On November 2, 2000, Rector was provided an additional 10 days to file a response to the Order to Show Cause. She was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension based on the evidence before it. Rector responded to the Order to Show Cause on November 8, 2000.

In that response, Rector admitted that the charge was correct. (Answer, p. 1.) She claimed that her offense was a misdemeanor, and that she was 21 at the time. She also added that her offense happened 25 years ago, in 1975. (Answer, p.1.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on February 16, 2001, the Board mailed a hearing notice by regular and certified mail to Rector. The notice explained that since it

appeared no material facts were in dispute regarding her offense, 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 disqualifying offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

On March 16, 2001, Rector responded to the Hearing Notice. In that response she argued that her marijuana possession could not be considered conduct unbecoming a teacher because she was not a teacher at the time. (Hearing Response, pp. 1-2.) She also argued that since the disqualifying statute, N.J.S.A. 18A:6-7.1b, did not exist at that time, its provisions did not apply to her offense. (Hearing Response, p.2.)

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Rector'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 her 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 Rector's disqualification from service in the public schools of this State because of her conviction for possession of marijuana provides just cause to take action against her certificate. This is true regardless of whether Rector was a teacher at the time her offense was committed. The Board of Examiners' action here is predicated on her disqualification, not her status at the time of the questionable conduct.

Moreover, Rector's argument that the disqualification statute does not apply to her because it was enacted after her offense has no merit. The disqualification statute applies to all teacher applicants at the time they are employed by a board of education and are fingerprinted for purposes of a criminal history record check. N.J.S.A. 18A:6-7.1. The date of their offense is irrelevant; the date of their record check is what triggers the statute's application. N.J.S.A. 18A:6-7.1(g).

The 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 herself out as a teacher. Because the Legislature considers Rector's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for her disqualification is the revocation of her certificate to teach.

Accordingly, it is therefore ORDERED that Patricia Rector's Teacher of Biological Science Certificate of Eligibility be revoked on this 10th day of May 2001. It is further ORDERED that Rector return her certificate to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Acting Secretary
State Board of Examiners

Date of Mailing: March 13, 2002

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

JD:MZ:patriciarector