

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RASHEED JACKSON : ORDER OF REVOCATION
_____ : DOCKET NO: 601-12/00-283

At its meeting of December 7, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Rasheed Jackson was convicted in 1997 of felony resisting arrest. As a result of such conviction, Jackson was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.*

Jackson did not appeal the disqualification before the Commissioner of Education. Upon review of the above-mentioned information, the State Board of Examiners voted to issue Jackson an Order to Show Cause at that December meeting.

The Board sent the Order to Show Cause to Jackson by regular and certified mail on February 26, 2001. The certified mail copy was returned unclaimed but the regular mail copy was not returned. The Order provided that an Answer must be filed within 20 days. Jackson did not respond to the Order.

Thereafter, on May 2, 2001, Jackson was provided an additional 10 days to file a response admitting or denying the facts in the Order to Show Cause. He 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 on the basis of the evidence before it. Once again, the certified letter was returned unclaimed. The regular mail was not returned. Jackson did not respond to the second notice either.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Jackson's disqualification from serving in the public schools of New Jersey gives the

Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Jackson did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Jackson's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his 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. Included in that category are individuals convicted of felonies, including resisting arrest. This strong legislative policy statement is in accord with the Commissioner's long-standing policy of holding teachers to a higher standard: "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321.

In this case, Jackson has a conviction for resisting arrest, a felony. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Jackson's disqualification from service in the public schools of this State because of his conviction for felony resisting arrest 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 certificate 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. Thus, because the Legislature considers Jackson's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Jackson's County Substitute certificate. See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector, Agency Dkt. No. 19-02 (St Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of her disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that Rasheed Jackson's County Substitute certificate be revoked on this 1st day of October 2001. It is further ORDERED that Jackson return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: March 12, 2003

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