

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JERMAINE YOUNG : ORDER OF REVOCATION
_____ : DOCKET NO: 604-02/01-276

At its meeting of February 22, 2001, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Jermaine Young was convicted in 2000 on charges of possession of marijuana/hash. As a result of such conviction, Young was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Young did not appeal the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at that February meeting the State Board of Examiners voted to issue Young an Order to Show Cause. Young currently holds a County Substitute certificate that the Essex County Office of Education issued.

The Board sent Young the Order to Show Cause by regular and certified mail on April 27, 2001. Both copies were returned indicating that Young had moved and left no forwarding address. The Order provided that an Answer must be filed within 20 days. On May 11, 2001, the Board contacted New Jersey Motor Vehicle Services to secure a current address for Young. On May 24, 2001, Motor Vehicle services indicated that they did not have a different address on file for Young.

Thereafter, on August 12, 2001 and August 13, 2001 a public notice was filed in the New Jersey Home News Tribune newspaper advising Young that on February 22, 2001 the State Board of Examiners had issued an Order to Show Cause to him in the matter of his County Substitute certificate and advising that he had 30 days to respond to the order. Young did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Young'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 Young 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 Young'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. 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 Young's

disqualification from service in the public schools of this State because of his conviction for possession of marijuana/hash 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 Young'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. 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 Jermaine Young's County Substitute certificate be revoked on this 17th day of January 2002. It is further ORDERED that Young 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.