

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
BARBARA BROWN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0304-154

At its meeting of September 26, 2002, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Barbara Brown was convicted in April 2000 on charges of possession of marijuana/hash. As a result of such conviction, Brown was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Brown did not challenge the accuracy of her criminal history before the Commissioner of Education. Upon review of the above information, at that September 2002 meeting, the State Board of Examiners voted to issue Brown an Order to Show Cause. Brown currently holds a Teacher of Health and Physical Education certificate, issued in July 1984.

The Board mailed the Order to Show Cause to Brown by regular and certified mail on December 19, 2002. The Order provided that Brown had to file an Answer within 20 days. Brown filed an Answer to the Order on January 10, 2003. That Answer consisted of an unedited version of a book that Brown was writing. The book was a millennium guide to health and happiness and did not address any of the issues in the Order to Show Cause.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on March 4, 2003, the Board sent Brown a hearing notice by regular and certified mail.<sup>1</sup> The notice explained that since it appeared no material facts were in dispute regarding her drug conviction, Brown was offered an opportunity

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<sup>1</sup> On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 *et seq.* Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

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. Brown did not file a response to the hearing notice. Brown contacted the Office of Licensure and Credentials to inquire about her case and advised that she had not received the hearing notice because she had moved. She provided a new address and the hearing notice was then sent by regular and certified mail to the new address on March 27, 2003. Both copies were returned, indicating that Brown did not reside at the address she had provided. Brown did not provide a response to the hearing notice.

The issue before the State Board of Examiners in this matter, therefore, is whether Brown's conviction for possession of marijuana/hash. Since Brown failed to respond to the hearing notices, the State Board of Examiners considered her Answer as the only responsive pleading in the hearing process.

At its meeting of October 30, 2003, the State Board of Examiners reviewed the charges and papers Brown filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Brown's offense were in dispute since she had never denied anything.

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 whether Brown's disqualifying offense constitutes unbecoming conduct necessitating action against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1.

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 Brown's conviction for a disqualifying offense constitutes unbecoming conduct necessitating action against her 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 herself out as a teacher. Because the Legislature considers Brown's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for her

conviction and subsequent disqualification is the revocation of her 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 the disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that Barbara Brown's Teacher of Health and Physical Education certificate be revoked on this 30th day of October 2003. It is further ORDERED that Brown return her 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.

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: November 17, 2004

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