

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
WILLIAM WEIMER : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-263

At its meeting of May 6, 2004, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that William Weimer was convicted in 1997 on charges of possession of a controlled drug. As a result of such conviction, Weimer was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Weimer did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at that May meeting the State Board of Examiners voted to issue Weimer an Order to Show Cause. Weimer currently holds a Teacher of Elementary School Certificate of Eligibility issued in October 2002.

The Board sent the Order to Show Cause to Weimer by regular and certified mail on July 1, 2004. The Order provided that Weimer must file an Answer within 30 days. The certified mail receipt was signed for and returned and the regular mail copy was not returned. Weimer did not respond to the Order to Show Cause.

Thereafter, on August 13, 2004, the Board sent him a second notice by regular and certified mail. Once again, the certified mail copy was signed for and returned and the regular mail copy was not returned. Weimer did not respond to the second notice either.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Weimer's disqualification for his possession of a controlled drug conviction constitutes conduct unbecoming a certificate holder. Since Weimer 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. 6A:9-17.7(c). Since Weimer's disqualification as 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. 6A:9-17.7(c). We find that it does.

In enacting the Criminal History Review statute, N.J.S.A. 18A: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:6-7.1(b). 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 Weimer's disqualification from service in the public schools of this State because of his conviction for possession of a controlled drug 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:6-7.1(b) 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 Weimer's offense so significant, the State Board of Examiners 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 the disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that William Weimer's Teacher of Elementary School Certificate of Eligibility be revoked on this 28th day of October 2004. It is further ORDERED that Weimer 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 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: December 29, 2004

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