

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LISA PLAIA : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-244

At its meeting of May 5, 2005, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Lisa Plaia was convicted on March 23, 2005 on charges of using/under the influence of a controlled dangerous substance and possession of a controlled dangerous substance. As a result of such conviction, Plaia was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Plaia did not challenge the accuracy of her criminal history record. Plaia currently holds a Teacher of the Handicapped certificate, issued in June 1989 and a Teacher of Elementary School certificate, issued in April 1992. Upon review of the above information, at its May 5, 2005 meeting, the State Board of Examiners voted to issue Plaia an Order to Show Cause.

The Board sent Plaia the Order to Show Cause by regular and certified mail on May 24, 2005. The Order provided that Plaia must file an Answer within 30 days. Plaia filed an Answer on July 11, 2005. In that Answer, Plaia admitted that she had been convicted of the drug offenses listed in the Order to Show Cause and had been disqualified accordingly. (Answer, ¶¶ 3, 4). She also claimed that she was working in a non-public school setting and that her employer was aware of her personal and legal situation. (Answer, ¶ 6). Plaia added that revoking or suspending her certificates would only hamper her future. (Answer, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 1, 2005, the Board sent Plaia a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding Plaia's offense, Plaia 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 certificates. Thereupon, the Board of

Examiners would also determine the appropriate sanction, if any. Plaia did not respond to the hearing notice. The certified mail copy was returned as unclaimed and the regular mail copy was not returned.

At its meeting of November 3, 2005, the State Board of Examiners reviewed the charges and papers Plaia filed in response to the Order to Show Cause. Since Plaia failed to respond to the hearing notices, the State Board of Examiners considered her Answer as the only responsive pleading in the hearing process. After review of the response, the Board of Examiners determined that no material facts related to Plaia's offense were in dispute. The issue before the State Board of Examiners in this matter, therefore, is whether Plaia's conviction and subsequent disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

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 its schools 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 Plaia's disqualification from service in the public schools of this State because of her convictions for using and being under the influence of a

controlled dangerous substance and possession of a controlled dangerous substance provide just cause to take action against her 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 herself out as a teacher. Because the Legislature considers Plaia's offenses so significant, the State Board of Examiners in this matter believes that the appropriate sanction for her disqualification is the revocation of her teaching certificates. *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 Lisa Plaia's Teacher of the Handicapped and Teacher of Elementary School certificates be revoked on this 3rd day of November 2005. It is further ORDERED that Lisa Plaia return her certificates 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.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: DECEMBER 2, 2005

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