

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DAWN BENSON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-294

At its meeting of October 16, 2008, the State Board of Examiners (Board) reviewed information the Freehold Regional High School District (Freehold) had forwarded pursuant to *N.J.A.C. 6A:9-17.4* regarding Dawn Benson. Freehold reported that Benson had resigned from her teaching position after she was accused of purchasing drugs from a district pupil. On the date Benson bought the drugs, Freehold sent her for a drug screening. Benson tested positive for Cocaine metabolite and Benzoylcegonine. Benson currently holds a Teacher of Biological Science Certificate of Eligibility, issued in March 1999 and a Teacher of Biological Science certificate, issued in May 2001. Upon review of the above information, at its February 23, 2009 meeting, the Board voted to issue Benson an Order to Show Cause.

The Board sent Benson the Order to Show Cause by regular and certified mail several times but all copies were returned as “Undeliverable,” including copies of the Order mailed to an address provided by the Motor Vehicle Commission. The Board could not secure a current address for Benson and, accordingly, the Order was published in the New Jersey Star Ledger on July 12 and 13, 2010. Benson did not file a response to that notice. Thereafter a second notice was published in the Star Ledger on August 30 and September 6, 2013. Benson did not file a response to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 13 and 14, 2014, the Board published a hearing notice in the Star Ledger, allowing Benson 30 days to respond. Once again, Benson did not respond.

The threshold issue before the Board in this matter is whether Benson's conduct constitutes conduct unbecoming a certificate holder. Since Benson failed to respond to the Order to Show Cause or the hearing notice, at its meeting of May 22, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Benson's offense were in dispute since she never denied that she had engaged in the alleged behavior or tested positive for drugs. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Benson's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. "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. Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this matter, Benson purchased drugs from a student and then tested positive for Cocaine metabolite and Benzoylecgonine. Her actions were not merely inappropriate, but egregious. Her conduct demonstrates behavior that falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Benson's certificates.

Accordingly, on May 22, 2014, the Board voted to revoke Benson's Teacher of Biological Science Certificate of Eligibility and Teacher of Biological Science certificate. On this 15th day of July 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Dawn Benson's certificates be effective immediately. It is further ORDERED that Benson return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th