

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
CAL SAR CHANDLER : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 443-05/97-156

At its meeting of May 15, 1997, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent, Calsar Chandler, was convicted in March, 1994 on charges of possession of marijuana. As a result of that conviction, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent did not appeal the disqualification before the Commissioner of Education. In addition, when Chandler applied for a renewal of his County Substitute certificate, he did not disclose that he had been convicted of a crime. Upon review of the above-mentioned information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Chandler currently holds a County Substitute Certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on July 25, 1997. The certified mail was not returned. Neither was the regular mail copy. The Order provided that if Respondent desired to file an Answer to the Order such Answer must be filed within twenty (20) days. Chandler's non-conforming response was received on August 14, 1997. On August 27, 1997 and again on December 10, 1997, Chandler was asked to provide a conforming Answer to the Order to Show Cause. None was submitted.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on June 23, 1998, a hearing notice was mailed by regular and certified mail to Chandler. The notice explained that since it appeared no material facts were in dispute, respondent 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 him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Chandler responded to the hearing notice by letter dated September 9, 1998. In his letter, Chandler explained that he was arrested because one of the passengers in his motor vehicle was in possession of a "small portion of marijuana." (Response, p.1). He stated that when he went to court the charges were reduced to a simple misdemeanor due to his spotless record. According to Chandler, his attorney had told him that the charges would not show up on his record. It was Chandler's honest belief that he had a clean record and he therefore completed his certificate renewal accordingly. Chandler maintained that since his arrest in 1994 he had had a clean record as an upstanding citizen. He also stated that for the past two years, his job had required extensive travel and therefore he had only received part of his mail.

At its meeting of September 24, 1998, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to respondent's offense were in dispute since respondent admitted to the arrest and conviction. Chandler also admitted that he had not disclosed his arrest on his certificate renewal application.

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 to determine whether Respondent's disqualification (which was predicated on the same offense as was set forth in the Order to Show Cause), as well as

respondent's misrepresentation represent just cause to act against Respondent's 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 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 Chandler's disqualification from service in the public schools of this State because of his conviction for marijuana possession 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 certificate 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.

In addition, Chandler's reticence in reporting his conviction on his certification application must give the Board of Examiners pause. Absent an expungement of his criminal record, the Board cannot overlook Chandler's failure to report his conviction. Thus, because the Legislature considers Respondent's criminal offense so significant, and because Chandler failed to disclose his criminal conviction, the State Board of Examiners believes that the appropriate sanction in this case is the revocation of Chandler's County Substitute certificate.

Accordingly, it is therefore ORDERED that Calsar Chandler's County Substitute certificate be revoked on this 24th day of September, 1998. It is further ORDERED that Calsar Chandler return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this letter.

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Secretary  
State Board of Examiners

Date of Mailing: November 6, 1998

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

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