

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JAMES W. JETER : ORDER OF REVOCATION
_____ : DOCKET NO: 481-06/98-181

At its meeting of June 18, 1998, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that James W. Jeter was convicted in June 1981 on charges of possession of marijuana. As a result of such conviction, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent did not appeal such disqualification before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Jeter currently holds a Teacher of Elementary School certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on July 17, 1998. Both copies of the Order were returned with a notation indicating that Jeter had moved. A new address was indicated, and on July 31, 1998, regular and certified copies of the Order to Show Cause were mailed to the second address. Once again both copies were returned with a note indicating that Jeter had moved and no longer lived at that address. The Board of Examiners then sought the assistance of the Department of Motor vehicles in securing an address for Jeter. DMV had no record on file for him. Finally, on March 14, 1999 and March 21, 1999, the Board of Examiners posted a legal notice in the Home News Tribune advising Jeter that an Order to Show Cause regarding his certificate had been issued. Jeter did not respond to the Board of Examiners' request for an Answer.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Jeter's disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Jeter 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. 6:11-3.6(a)1. Since Jeter's disqualification, which was predicated on the same offense as was 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 Jeter's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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 the Jeter's disqualification from service in the public schools of this State because of his conviction for possession of marijuana 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 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 Jeter's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that James W. Jeter's Teacher of Elementary School certificate be revoked on this 13th day of May, 1999. It is further ORDERED that James W. Jeter 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 decision.

Secretary
State Board of Examiners

Date of Mailing: July 9, 1999

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

IBG:MZ:br:jamesjeter