

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
HELEN ROSEBERRY : ORDER OF REVOCATION
_____ : DOCKET NO: 498-01/99-218

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Helen Roseberry was convicted in 1967 on charges of robbery. 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 challenge the accuracy of her criminal history record 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.

The Order to Show Cause was mailed to Respondent by regular and certified mail on February 24, 1999. The Order provided that an Answer to the Order must be filed within 20 days. Roseberry responded to the Order to Show Cause indicating that she was seeking an expungement of her criminal conviction. On May 14, 1999 and again in July 26, 1999, Roseberry was asked to provide documentation regarding the outcome of her expungement hearing. She did not respond to either of these letters.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on September 29, 1999, a hearing notice was mailed by regular and certified mail to Roseberry. The notice explained that, since it appeared no material facts were in dispute regarding her disqualification, respondent had 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 certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail copy of the notice was returned unclaimed and the regular mail copy was not returned. Roseberry did not respond to the hearing notice. Since Roseberry did not reply to the hearing notices, the State Board of Examiners considered her Answer as the only responsive pleading in the hearing process.

At its meeting of April 6, 2000, 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.

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 whether Roseberry's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against her 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. Clearly, unless the courts clear the record, someone convicted of robbery falls within that category. Moreover, despite numerous attempts to communicate with Roseberry as to the status of her expungement proceeding, she ignored all inquiries the Board of Examiners made. Her inattention to this important matter regarding her certificate indicates that she does not approach the teaching profession with the requisite seriousness or professionalism. Accordingly, the State Board of Examiners finds that Roseberry's disqualification from service

in the public schools of this State because of her robbery conviction provides 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 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 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 Respondent's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for her disqualification is the revocation of her certificate to teach.

Accordingly, it is therefore ORDERED that Helen Roseberry's County Substitute certificate be revoked on this 6th day of April, 2000. It is further ORDERED that Roseberry return her 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: October 30, 2000

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:Helen Roseberry