

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOHN SCHORLING : ORDER OF REVOCATION
_____ : DOCKET NO: 529-06/00-245

At its meeting of June 17, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that John Schorling was convicted in 1982 on charges of criminal possession of a controlled substance. As a result of that conviction, Schorling was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Schorling did not appeal the disqualification before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue Schorling an Order to Show Cause. Schorling currently holds a County Substitute certificate issued by the Sussex County Office of Education.

The Order to Show Cause was mailed to Schorling by regular and certified mail on July 29, 1999. The Order provided that an Answer had to be filed within 20 days. Schorling filed his Answer on August 19, 1999. In that response, he admitted to the charges in the Order to Show Cause. Schorling also explained that when he was arrested for possessing a small amount of marijuana, he chose to pay the nominal fine rather than incur the expense of an attorney. (Answer, ¶ 7). He added that he could not have the offense expunged since there is no expungement procedure in New York State, but that he was seeking to have the case re-opened for reconsideration. (Answer, ¶ 7). Schorling stated that he had had no further convictions and did not use drugs. He also recognized that there are consequences for doing wrong but added that he was saddened to lose “the opportunity to work with children and help my community.” (Answer, ¶ 7).

On October 12, 1999, Schorling requested that his certification matter be held in abeyance while he attempted to have his New York criminal matter dismissed. On December 30, 1999, the Board of Examiners granted his request. On March 20, 2000, Schorling sent the Board of Examiners a copy of the documentation he had submitted to the New York court in support of his request for dismissal, including letters of support from various individuals. In response to a request for an update regarding his New York case, on August 25, 2000, Schorling informed the Board of Examiners that his request for dismissal had been denied.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on October 5, 2000, Schorling was sent a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding Schorling's disqualification, he 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.

On October 26, 2000, Schorling responded to the hearing notice. In that response, he indicated that he did not wish to provide any additional information regarding his case. He added that the documentation he had submitted demonstrated that he had led an exemplary life since his 1982 arrest and that he would make a good substitute teacher. (Hearing Response, p. 1). He added that he understood that his behavior in 1982 was unbecoming and "I would never want to deny that." (Hearing Response, p. 1).

At its meeting of December 7, 2000, the State Board of Examiners reviewed the charges and papers Schorling filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to his disqualification were in dispute since Schorling admitted that he had been convicted of the drug offense mentioned in the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Schorling's disqualification, which was predicated on the same drug offense as was set forth in the Order to Show Cause, represents just cause to act against his 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 Schorling's

disqualification from service in the public schools of this State because of his conviction for possession of a controlled substance 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 Schorling'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.

Moreover, notwithstanding Schorling's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 aff'd App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners' decision (February 7, 1990). Thus, the fact that Schorling has led an exemplary life since his 1982 arrest, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certification.

Accordingly, it is therefore ORDERED that John Schorling's County Substitute certificate be revoked on this 7th day of December 2000. It is further ORDERED that Schorling

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: March 29, 2001

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

JFK:MZ:kb:John Schorling