

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
SHELTON L. AUSTIN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 593-12/00-266

At its meeting of December 7, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Shelton L. Austin was convicted in 1999 on charges of possession of marijuana/hash. As a result of such conviction, Austin was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Austin did not challenge the accuracy of his 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 Austin an Order to Show Cause. Austin currently holds a Teacher of Elementary School certificate.

The Board mailed Austin the Order to Show Cause by regular and certified mail on February 26, 2001. The Order provided that an Answer to the Order must be filed within 20 days. Austin responded to the Order on March 20, 2001. In his Answer, Austin referred to numerous reference letters he had attached as well as a letter of explanation he had previously submitted on October 29, 2000.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on April 9, 2001, Austin was sent a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding his 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.

Austin responded to the Hearing Notice on May 15, 2001. In that letter, he reiterated his dedication to the teaching profession and referred the Board of Examiners back to the reference letters he had previously submitted. (Response to Hearing Notice, p. 1.)

At its meeting of June 14, 2001, the State Board of Examiners reviewed the charges and papers Austin 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 respondent's offense were in dispute.

The issue before the State Board of Examiners in this matter, therefore, is to determine whether Austin'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 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 Austin's

disqualification from service in the public schools of this State because of his conviction for possession of marijuana/hash 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 Austin'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. See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector, Agency Dkt. No. 19-02 (St Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of her disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that Shelton L. Austin's Teacher of Elementary School certificate be revoked on this 14th day of June 2001. It is further ORDERED that Austin return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

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Secretary  
State Board of Examiners

Date of Mailing: November 27, 2002

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

IBG:MZ:es:Austin, Shelton