

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
IRIS WILKERSON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0304-130

At its meeting of June 13, 2002, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Iris Wilkerson was convicted in 1993 on two charges of possession of cocaine, in July 1995 on charges of conspiracy to manufacture/distribute a controlled dangerous substance and in September 1995 on charges of use/influence of a controlled dangerous substance. As a result of these convictions, Wilkerson was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Wilkerson did not challenge the accuracy of her criminal history before the Commissioner of Education. Upon review of the above information, at that June meeting the State Board of Examiners voted to issue Wilkerson an Order to Show Cause. Wilkerson currently holds a Teacher of the Handicapped certificate issued in July 2001.

The Board sent the Order to Show Cause to Wilkerson by regular and certified mail on December 19, 2002. The Order provided that an Answer must be filed within 20 days. Wilkerson filed her response on January 9, 2003. In that response, Wilkerson accepted responsibility for her prior drug convictions. She noted, however, that the drug offenses occurred ten years ago and that she had been a productive member of society since then. (Answer, p. 1.) She added that she had outstanding evaluations in her teaching courses and was confident in her ability to be a good role model to students. She asked the Board of Examiners to consider the positive changes she had made in her life. (Answer, p. 2.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on March 27, 2003, the Board sent Wilkerson a hearing notice by regular and certified mail.<sup>1</sup> The notice explained that since it appeared no material facts were in dispute regarding her drug offenses, Wilkerson 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 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. Although the certified copy of the hearing notice was unclaimed and returned, the regular mail copy was not. Wilkerson did not respond to the hearing notice. Since Wilkerson failed to respond 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 September 25, 2003, the State Board of Examiners reviewed the charges and papers Wilkerson 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 her offense were in dispute since Wilkerson never disputed that she had committed the offenses nor did she deny that she had been disqualified because of them. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The issue before the State Board of Examiners in this matter, therefore, is whether Wilkerson's disqualification, which was predicated on the same drug offenses as were 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. We find that it does.

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<sup>1</sup> On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

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 Wilkerson's disqualification from service in the public schools of this State because of her drug convictions 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:6-7.1b 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 herself out as a teacher. Because the Legislature considers Wilkerson's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for

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her disqualification is the revocation of her 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 the disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Notwithstanding Wilkerson'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 Wilkerson has lived a drug-free life for the last ten years, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to her certification.

Accordingly, it is therefore ORDERED that Iris Wilkerson's Teacher of the Handicapped certificate be revoked on this 25th day of September 2003. It is further ORDERED that Wilkerson return her certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: November 4, 2004

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