

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
GWENDOLYN KING : ORDER OF SUSPENSION
EL-AMIN :
_____ : DOCKET NO: 0405-201

At its meeting of February 24, 2005, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that twice in December 2004, Gwendolyn King El-Amin had been arrested and charged with possession and use of a controlled dangerous substance and possession of drug paraphernalia. As a result of these arrests, El-Amin was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* El-Amin did not challenge the accuracy of her criminal history record. Upon review of the above information, at its February 24, 2005 meeting, the State Board of Examiners voted to issue El-Amin an Order to Show Cause as to why her certificate should not be suspended pending resolution of the criminal charges against her. El-Amin currently holds a Teacher of Elementary School certificate, issued in August 1987.

The Board sent El-Amin the Order to Show Cause by regular and certified mail on March 22, 2005. The certified mail copy was returned unclaimed. The regular mail copy was not returned. The Order provided that El-Amin must file an Answer within 30 days. El-Amin filed an Answer on April 19, 2005. In that Answer, El-Amin claimed that when she was arrested she was unemployed and under a doctor's care for depression. (Answer, p. 1.) She stated that she had since entered and completed a treatment program and was putting her life back together again. (Answer, p. 1.) She understood that, as a teacher, she was a role model for students. (Answer, p. 2.) El-Amin added that her arrest "made me take a good look at everything around me." (Answer, p. 2.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 10, 2005, the Board sent El-Amin a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding her offense, El-Amin 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. El-Amin did not file a response. The certified mail copy was returned unclaimed. The regular mail copy was not returned.

At its meeting of July 21, 2005, the State Board of Examiners reviewed the charges and papers El-Amin filed in response to the Order to Show Cause. Since El-Amin failed to respond to the hearing notice, the State Board of Examiners considered her Answer as the only responsive pleading in the hearing process. After review of the response, the Board of Examiners determined that no material facts related to her offense were in dispute since she did not deny her arrests.

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 El-Amin's arrests and possible resultant disqualification, as set forth in the Order to Show Cause, represents just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

In enacting the Criminal History Review statute, *N.J.S.A. 18A: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:6-7.1(b)*. 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 its schools 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 El-Amin's arrests and potential disqualification from service in the public schools of this State because of her drug offenses 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(b)* 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 would be barred from service in public schools if convicted of that offense, should not be permitted to retain the license that authorizes such service while the courts determine his or her culpability. Thus, because the Legislature considers El-Amin's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction pending resolution of the criminal charges against her is the suspension 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.)

Accordingly, it is therefore ORDERED that Gwendolyn King El-Amin's Teacher of Elementary School certificate be suspended on this 21st day of July 2005. If the charges are resolved in her favor, she shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that El-Amin 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 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: AUGUST 17, 2005

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