

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DOUGLAS HANANIA : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-221

At its meeting of May 3, 2007, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Douglas Hanania was convicted in 2002 of Manufacture/Distribute/Dispense CDS. As a result of that conviction, Hanania was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Hanania did not appeal the disqualification before the Commissioner of Education. Hanania currently holds a Teacher of the Handicapped certificate, issued in October 2006. Upon review of the above information, at its June 7, 2007 meeting, the State Board of Examiners voted to issue Hanania an Order to Show Cause.

The Board sent Hanania the Order to Show Cause by regular and certified mail on June 13, 2007. The Order provided that Hanania must file an Answer within 30 days. Hanania filed an Answer on July 17, 2007. In that Answer, Hanania claimed that he had an exemplary teaching record and that he had “drug and psychological counseling concerning his 2002 arrest for fourth degree possession of CDS.” (Answer, p. 1.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 31, 2007, a hearing notice was mailed by regular and certified mail to Hanania. The notice explained that since it appeared no material facts were in dispute regarding his offense, Hanania 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. No response was received on behalf of Hanania. The regular mail copy was not returned. On November 10, 2008, the Board sent Hanania an additional notice providing him the opportunity to file a written submission and appear before the Board to testify on the sanction issue and mitigation. Hanania did not respond.

At its meeting of March 31, 2009, the State Board of Examiners reviewed the charges and papers Hanania filed in response to the Order to Show Cause. Since he failed to respond to the hearing notices, the State Board of Examiners considered his 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 Hanania's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h). 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 Hanania'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.* 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 Hanania's disqualification from service in the public schools of this State because of his conviction for Manufacture/Distribute/Dispense CDS 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:6-7.1(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 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 Hanania'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 Ed., 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) *rev'd on other grounds*, No. A-0454-02T3 (App. Div. January 3, 2004).

Accordingly, on March 31, 2009 the Board of Examiners voted to revoke Douglas Hanania's Teacher of the Handicapped certificate. On this 11th day of May 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Hanania's certificate be effective immediately. It is further ORDERED that Hanania return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ: