

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ELISHA R. HARRIS : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-113

At its meeting of November 1, 2016, the State Board of Examiners (Board) reviewed information received from the Superior Court of New Jersey, Morris County and the Criminal History Review Unit (CHRU) regarding Elisha R. Harris. On April 12, 2016, Harris pled guilty to 3rd degree Possession of CDS/Analog. On May 6, 2016, he was sentenced to five years' Drug Court Special Probation, ordered to complete an intensive substance abuse treatment program and have restricted driving privileges for six months. The CHRU notified the Board that, as a result of his conviction, Harris was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Harris currently holds a Teacher of Elementary School Certificate of Eligibility, issued in October 2000.

Harris did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of December 9, 2016 to issue Harris an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Harris the Order to Show Cause by regular and certified mail on December 15, 2016. The Order provided that Harris must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Harris did not file a response. Thereafter, on January 27, 2017, the Board sent Harris another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Neither the certified mail copy nor the regular copy was returned. Harris did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 28, 2017, the Board sent Harris a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Harris 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, as well as arguments with

regard to the appropriate sanction in the event that the Board found just cause to take action against his certificate. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Harris was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Harris did not respond.

The threshold issue before the Board in this matter is whether Harris's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Harris failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of May 12, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from the CHRU. The Board concluded that no material facts related to Harris' offense were in dispute since he never denied that he engaged in the conduct alleged and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Harris had engaged in unbecoming conduct.

The Board must now determine whether Harris' conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

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. Individuals convicted of crimes such as Possession of CDS/Analog fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of*

Sammons, 1972 *S.L.D.* 302, 321. Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Harris' conviction demonstrates behavior that falls far short of a role model.

The 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 Board 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 certificate 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. Thus, because the Legislature and the Commissioner consider Harris' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on May 12, 2017, the Board voted to revoke Elisha R. Harris' Teacher of Elementary School Certificate of Eligibility. On this 15th day of June 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Harris' certificate be effective immediately. It is further ORDERED that Harris return his certificate to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

RRH/MZ/th

Date of Mailing:
via certified and regular mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

