

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
TYRONE VIRGIL : ORDER OF REVOCATION
_____ : DOCKET NO. 455 – 09/97-151

At its meeting of September 25, 1997, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Tyrone Virgil was convicted in 1988 on charges of assault on a police officer/strong-arm. Mr. Virgil was disqualified from public school employment and did not appeal the disqualification. Mr. Virgil was issued a county substitute license through the Monmouth County Office. On his application, Mr. Virgil indicated that he had not been convicted of a crime. At that meeting the State Board of Examiners voted that the conviction constituted sufficient grounds for issuing an Order to Show Cause. Tyrone Virgil was served with the Order to Show Cause by regular and certified mail on or about October 8, 1997. The Order provided that if Tyrone Virgil desired to file an Answer to said Order such answer must be filed within twenty (20) days. On October 15, 1997, an Answer to the Order to Show Cause was received from Mr. Virgil.

Mr. Virgil's Answer to the Order to Show Cause notes he currently holds a county substitute license and has held at least two others since 1983. He notes he was hired as an attendance officer for an elementary school and more recently was employed as an assistant and head varsity wrestling coach. He notes his conviction dates to October, 1987, not 1988. He states he was apprehended by several police officers of the Long Branch Police department because his description matched whomever the police were looking for. He then struggled with

an officer as he attempted to put him in a police car. Mr. Virgil admits that the officer ended up suffering a minor injury and that he was arrested on the charge of assaulting a police officer, pled guilty and paid a \$150.00 fine. Thereafter, he was employed by an International Services Company in New York City until 1995. In January 1996, Mr. Virgil again applied for a county substitute certificate. He states that in applying for that county substitute license he failed to indicate that he had been convicted by a crime because he honestly did not think he did. He states he forgot about the conviction until he received information from the State Board of Examiners, and he never intended to provide dishonest representation of a criminal record.

Mr. Virgil further claims he did not appeal his disqualification because he was returning at the time from the Peoples' Republic of China, where he had been a teacher, and was also involved in a pro se divorce. He was faced at the time with relocation, child support, and employment issues. It was not a convenient time to answer all questions pertaining to his county substitute license, he submits. He asks for the opportunity to re-enter the thresholds of higher learning and notes that having held a county substitute license allowed him to share not only with the students in New Jersey, but within the Peoples' Republic of China.

On December 11, 1997, pursuant to N.J.A. C. 6:11-3.6(a)1, a hearing notice was mailed by regular and certified mail to Mr. Virgil. The notice informed Mr. Virgil that there appearing that no material facts were in contest regarding his offense or disqualification, he was being offered an opportunity to address why his disqualification coupled with his failure to accurately record his criminal history on his application for licensure should not result in action against his license. No response was received from or on behalf of Mr. Virgil. On March 30, 1998, Mr. Virgil was advised by certified and regular mail that he was being provided an additional ten (10) days to file a response to the hearing notice. The regular mail copy was not returned. The

certified mail return receipt card was returned. No response was received from or on behalf of Mr. Virgil. He has, therefore, waived his right to participate in the hearing process. Thus, the State Board of Examiners will consider Mr. Virgil's Answer to the Order to Show Cause as his sole submission to counter the charges brought against him.

At its meeting of June 18, 1998, the State Board of Examiners reviewed the charges against Mr. Virgil as well as his response to the Order to Show Cause. After review of his response, the State Board of Examiners determined that no material facts related to Respondent's offense were in contest. Respondent does not deny that he has a conviction for assault on a police officer/strong-arm or that he had been disqualified pursuant to N.J.S.A. 18A:6-7.1. The matter could, therefore, proceed to a determination as to whether the charges levied against Respondent in the Order to Show Cause warrant revocation or suspension of Respondent's license pursuant to N.J.A.C. 6:11-3.6(a)1.

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. Mr. Virgil has been convicted of an offense involving bodily injury to another. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to hold a license to teach. In re Grossman, 127 N.J. Super. 13, 30 (App. Div. 1974). Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd.* 131 N.J.L. 326 (E & A 1944). "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. Conviction of a crime of violence

casts grave doubts upon the respondent's character and, hence, his fitness to remain in the classroom. Parents have the right to be assured that their children will not be subjected to one who could not govern himself. Accordingly, the State Board of Examiners finds that Mr. Virgil's disqualification in the public schools of this State because of his conviction for an offense involving bodily injury to another provides just cause to take action against his county substitute license.

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 Mr. Virgil'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 county substitute license. It so finds noting that Mr. Virgil failed to report on his application for licensure that he was guilty of a criminal offense.

It is, therefore ORDERED that Tyrone Virgil's county substitute license be revoked on this 18th day of June, 1998.

It is further ORDERED that Tyrone Virgil return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: July 20, 1998

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

IBG:KHK:br:Virgilrv