

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
THEODORE JOHNSON : ORDER OF REVOCATION
_____ : DOCKET NO: 556-04/00-280

At its meeting of April 6, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Theodore Johnson was convicted in 1968 for rape/assault, in March 1998 for two counts of conspiracy to commit burglary, theft, receiving stolen property and criminal mischief and in August 1998 for conspiracy to commit burglary. As a result of those convictions, Johnson was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Johnson did not appeal such disqualification before the Commissioner of Education. Upon review of the above-mentioned information, at that meeting the State Board of Examiners voted to issue Johnson an Order to Show Cause. Johnson currently holds a County Substitute certificate issued through the Union County Office of Education.

The Board sent the Order to Show Cause to Johnson by regular and certified mail on June 26, 2000. Both copies were returned indicating that delivery was "attempted-not known." The Order provided that an Answer must be filed within 20 days. On August 2, 2000, the Board contacted New Jersey Motor Vehicle Services to secure a current address for Johnson. On August 11, 2000, Motor Vehicle services indicated that they did not have a different address on file for Johnson.

Thereafter, on August 12, 2001 and August 13, 2001 a public notice was filed in the New Jersey Home News Tribune newspaper advising that on April 6, 2000 the State Board of

Examiners had issued an Order to Show Cause to Johnson in the matter of his teaching certificate and that he had 30 days to respond to the order. Johnson did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Johnson's disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Johnson did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Johnson's disqualification, which was predicated on the same offenses as were set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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. Individuals such as Johnson convicted of a crime of violence fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of acts of violence by teaching-staff members. "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.

In this case, Johnson has a conviction for a violent crime that involved bodily injury. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. In re Grossman, 127 N.J. Super. 13,

30 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E&A 1944). 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). Moreover, Johnson has two other convictions involving theft and dishonesty. Accordingly, the State Board of Examiners finds that Johnson's disqualification from service in the public schools of this State because of his convictions for rape/assault, conspiracy to commit burglary, theft, receiving stolen property, criminal mischief and conspiracy to commit burglary 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:6-7.1b 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 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 considers Johnson's offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Theodore Johnson's County Substitute certificate. 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 her disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that Theodore Johnson's County Substitute certificate be revoked on this 6th day of December 2001. It is further ORDERED that Johnson return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing:

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

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