

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LEONARD BART : ORDER OF REVOCATION
_____ : DOCKET NO: 612-02/01-278

At its meeting of February 22, 2001, the State Board of Examiners reviewed information the Chatham School District had forwarded in accord with its reporting responsibilities pursuant to N.J.A.C. 6:11-3.5. The district sent information indicating that Leonard Bart, a tenured teacher, had resigned his position in the district in the face of harassment allegations a female high school student had leveled against him. Bart allegedly sent anonymous and amorous notes and poems to the student. The student obtained an Order of Protection against Bart that directed him to have no contact with her. Additionally, the student filed harassment charges in Chatham Municipal Court, but that criminal matter was dismissed on August 8, 2000. Bart currently holds a Teacher of Speech Arts and Dramatics certificate. Upon review of the above information, at that February 2001 meeting, the State Board of Examiners voted to issue Bart an Order to Show Cause.

The Board sent Bart the Order to Show Cause by regular and certified mail on April 27, 2001. The Order provided that an Answer must be filed within 20 days. On May 18, 2001, Bart filed an Answer. In that Answer, he stated that he did resign his tenured position due to the harassment charge. Bart also admitted that he had left a handful of anonymous poems (not notes) to a female student over the course of a year. He indicated that the poems were not lurid, graphic or sexual but rather hopeful and inspirational. (Answer, ¶¶ 3-4.) Bart also stated that he admitted his actions to the police and received psychological counseling for 16 months. Bart

admitted that he had had a lapse in judgment and behaved in an inappropriate manner. He also stated however, that this was an isolated incident, with no precedent or repeat. (Answer, ¶¶5-6.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on June 27, 2001, the Board of Examiners sent Bart a hearing notice by regular and certified mail. The certified copy was returned as unclaimed but the regular mail copy was not returned. The notice explained that since it appeared no material facts were in dispute, Bart 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 Bart's offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Bart did not respond to the hearing notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Bart's actions regarding this student constitute conduct unbecoming a certificate holder. At its meeting of December 6, 2001, the State Board of Examiners reviewed the charges and papers Bart filed in response to the Order to Show Cause. After review of Bart's submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since Bart admitted that he had committed the actions alleged in the Order to Show Cause. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Bart's conduct as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. Moreover, the Commissioner has long held that teachers 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.

Furthermore, 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). In this instance, Bart’s harassment of a minor student caused her to seek judicial intervention for protection. Clearly, his behavior is antithetical to what is expected of a role model. Moreover, by his own admission his conduct, although limited to this one student, occurred for nearly a year. Certainly, this is not the type of individual who should be teaching in New Jersey’s public schools.

Accordingly, it is therefore ORDERED that Leonard Bart’s Teacher of Speech Arts and Dramatics certificate be revoked on this 6th day of December 2001. It is further ORDERED that Bart return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: March 12, 2003

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