

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KEVIN LITTS : ORDER OF REVOCATION
_____ : DOCKET NO: 595-12/00-262

At its meeting of December 7, 2000, the State Board of Examiners reviewed information from the Division of Criminal Justice indicating that in May, 2000, Kevin Litts had pled guilty to charges of endangering the welfare of a child. Litts was sentenced to five years' probation with six months in the Bergen County jail as a condition of probation. In addition, Litts was prohibited from working at any schools, preschools or places where infants are present. Litts was also ordered to complete 300 hours of community service within the first three years of his probation and to take anger management counseling as required by probation. Litts is currently the holder of a Teacher of Elementary School certificate. Upon review of the above information, at that December meeting, the State Board of Examiners voted to issue Litts an Order to Show Cause.

The Board sent Litts the Order to Show Cause by regular and certified mail on February 26, 2001. The Order provided that an Answer to the Order must be filed within 20 days. Litts did not respond to the Order to Show Cause. On May 3, 2001, the Board of Examiners provided Litts an additional ten days in which to respond to the Order. He was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Once again, Litts did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Litts' conviction constitute conduct unbecoming a certificate holder. Since Litts failed to 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.

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

The Commissioner has long-recognized that teachers in the State of New Jersey "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, Litts has a conviction for a crime that directly imperiled a child. Moreover, as part of his sentence, Litts is prohibited from ever working at any schools, preschools or places where infants are present, which only further proves his unsuitability to teach. 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). The heinous nature of Litts' crime yields only one conclusion in this matter: that Litts should never teach in any New Jersey classroom again. Accordingly, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Litts' certificate.

Accordingly, it is therefore ORDERED that Kevin Litts's Teacher of Elementary School certificate be revoked on this 14th day of June, 2001. It is further ORDERED that Kevin Litts return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Acting Secretary
State Board of Examiners

Date of Mailing: March 22, 2002

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