

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RYAN ING : ORDER OF REVOCATION
_____ : DOCKET NO: 639-06/01-295

At its meeting of June 14, 2002, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Ryan Ing from his tenured position with the Board of Education of Elizabeth for charges of unbecoming conduct. In the Matter of the Tenure Hearing of Ryan Ing, Docket No. 75-2/00 (January 12, 2001.) Ing currently holds Teacher of Social Studies Certificate of Eligibility with Advanced Standing and Teacher of Social Studies certificates.

This case originated on February 28, 2000 when the Elizabeth Board of Education certified tenure charges against respondent, Ryan Ing. The district charged him with unbecoming conduct for attempting to forge a romantic relationship with a thirteen-year-old student. Ing allegedly had kissed the student, engaged in sexually explicit conversations with her and transported her in his vehicle without the knowledge or permission of her parents. Ing also allegedly drafted and sent suicide notes to his students.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Richard McGill heard testimony for several days beginning in June 2000. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on January 12, 2001.

In that decision ALJ McGill found that Ing had written several letters to his student, B.C., expressing his love and admiration for her. In addition, Ing contacted B.C.

at home by telephone to have social conversations. Ing had also kissed B.C. on at least one occasion. (Initial Decision, slip op. at 3). Ing admitted having a relationship with B.C. and sent letters to his principal as well as several students saying he would not be returning to school and alluding to suicide plans. (Initial Decision, slip op. at 4.) Ing was later involuntarily committed to a mental health facility for 18 days where he was diagnosed with bi-polar disorder.

After considering all the testimony, ALJ McGill found that Ing's conduct was improper. The Judge found that Ing had indeed sent suicide notes to several students which could have had a detrimental impact on them, especially if Ing had actually committed suicide. The ALJ also found that Ing did not "display any appreciation of or regard for the emotional impact on the student" by attempting to establish a relationship with her. (Initial Decision, slip op. at 6.) Judge McGill also noted that even though he was convinced that Ing's contemplation of suicide was due to depression, he was not similarly convinced regarding Ing's attempt to have a relationship with his student. (Initial Decision, slip op. at 8.)

Thus, based on his review of the entire record, the ALJ concluded that Ing's breach was too substantial to allow for his continued employment in the district. (Initial Decision, slip op. at 8). Consequently, the ALJ ordered Ing dismissed from his tenured employment.

In a decision dated March 2, 2001, the Commissioner of Education affirmed the ALJ's Initial Decision as to the tenure charges against Ing. The Commissioner agreed with the ALJ that the local board had proven its case against Ing with regard to the tenure charges of unbecoming conduct. (Commissioner's Decision, slip op. at 13). The

Commissioner found that Ing had acted inappropriately both in his actions toward B.C. and in his attempt to send suicide notes to his other students. (Commissioner's Decision, slip op. at 14-15). The Commissioner found that "the behavior established here transcends the boundaries of conduct which can be tolerated from a teaching staff member in a position of authority who has a responsibility for the custody and care of children...." (Commissioner's Decision, slip op. at 15.) Accordingly, the Commissioner affirmed Ing's removal from his tenured employment with the Elizabeth Board of Education and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Ing's certificates.

Thereafter, on June 14, 2001, the State Board of Examiners issued Ing an Order to Show Cause as to why his certificates should not be or suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent the Order to Show Cause to Ing by regular and certified mail on March 21, 2002. The Order provided that an Answer must be filed within 20 days. Ing filed an Answer on March 29, 2002. In his Answer Ing admitted that the district had brought tenure charges against him. He also stated that the Commissioner had concurred with the Initial Decision that Ing's actions constituted conduct unbecoming a teacher. (Answer, ¶¶ 2-3.) In the remainder of his Answer, Ing claimed that at the time of the incidents he was suffering from undiagnosed bipolar syndrome. He added that since that time he had been diagnosed, placed on medication and had received psychological counseling.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on April 19, 2002, the Board sent Ing a hearing notice by regular and certified mail. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, respondent 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 his offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

Ing responded to the Hearing Notice on May 15, 2002. In that response, Ing referred to the medical evidence his psychiatrist had presented at his tenure hearing that with proper medication and counseling the “activity complained of would not occur again.” (Hearing Response, p. 2.). Ing also relied upon the brief he had submitted at the conclusion of his tenure hearing. In that document he argued that his episode of unbecoming behavior had occurred over only a two week period and was not a long-standing event, that he had had excellent observations and evaluations prior to this incident and that his bipolar condition was undiagnosed until this event happened. (Hearing Response Brief, pp. 5-9.)

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Ing’s conduct and his subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of September 26, 2002, the State Board of Examiners reviewed the charges and papers Ing filed in response to the Order to Show Cause. After reviewing his response, the Board of Examiners determined that no

material facts related to Ing's offense were in dispute since he admitted to the allegations in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1. Accordingly, Ing's actions regarding his relationship with B,C. and his sending suicide notes to students constitute conduct unbecoming a certificate holder.

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

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. 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). "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 there can be no dispute that Ing's behavior had a detrimental impact on several students not just B.C. Moreover, as the ALJ noted, while Ing's contemplation of suicide was likely related to his psychiatric condition there was no evidence that his attempt to establish a relationship with a thirteen year old student was similarly compelled. Furthermore, while Ing may be treated successfully for his depression, this Board cannot take the chance that he might

inappropriately behave toward other students in the future. Thus, the only proper response to Ing's breach is revocation.

Accordingly, it is therefore ORDERED that Ryan Ing's Teacher of Social Studies Certificate of Eligibility with Advanced Standing and Teacher of Social Studies certificates be revoked on this 26th day of September 2002. It is further ORDERED that Ing return his certificates 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.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: January 30, 2004

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