

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
HARVEY DOCK : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-174

At its meeting of January 17, 2002, the State Board of Examiners reviewed a letter the Commissioner of Education had forwarded dismissing tenure charges against Harvey Dock. Dock's employer, the State-Operated School District of the City of Newark (hereafter Newark), had brought tenure charges against him for corporal punishment, insubordination and excessive absenteeism. Prior to the tenure hearing, Dock resigned from his tenured position and the Commissioner dismissed the matter as moot. Nevertheless, because of the serious nature of the charges, the Commissioner transmitted the matter to the State Board of Examiners for appropriate action regarding Dock's certificate. Dock currently holds a Teacher of Elementary School certificate issued in October 1972.

Thereafter, on January 17, 2002, the State Board of Examiners issued Dock an Order to Show Cause as to why his certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been alleged in the tenure hearing.

The Board was unable to locate Dock to serve him with the Order to Show Cause. Accordingly, the Board published notice of the Order in the Home News Tribune newspaper on August 15 and 16, 2004. Dock did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Dock's excessive absenteeism, insubordination and acts of corporal punishment constitute conduct unbecoming a certificate holder. Since Dock 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. 6A:9-17.7(c)*. Since Dock's conduct, as 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. 6A:9-17.7(c)*. It finds 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. 6A:9-17.5*. “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 Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, Dock’s ongoing pattern of corporal punishment, coupled with his insubordination and excessive absenteeism, demonstrates that he is unfit to serve in New Jersey’s classrooms. Thus, the only proper response to Dock’s breach is revocation.

Accordingly, it is therefore ORDERED that Harvey Dock’s Teacher of Elementary School certificate be revoked on this 9th day of December 2004. It is further ORDERED that Dock return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: February , 2005

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