

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JULIUS YOUNG :
_____ : DOCKET NO: 0304-228

This case originated on March 24, 2002, when the Camden Promise Charter School (Camden) notified the Office of Licensing and Credentials (Office) of its final evaluation for Julius Young, a Provisional teacher within its employ. Camden had given Young a “disapproved” rating. Young currently holds a Teacher of Elementary School Certificate of Eligibility, issued in August 2000.

Young appealed his rating to the Office on July 24, 2003. After soliciting a response from Camden, the Office transmitted the matter as a contested case to the Office of Administrative Law (OAL), where it was filed on March 31, 2004. Administrative Law Judge (ALJ) Donald J. Stein scheduled the hearing for November 18, 2004, but adjourned the date at Young’s request. On October 12, 2004, Camden filed a motion for summary decision. Although ALJ Stein notified Young that he must file a response by October 29, 2004, he did not respond to the motion. On November 19, 2004, ALJ Stein provided Young another opportunity to respond by November 29, 2004. On November 29, 2004, Young filed a copy of the ten-week Provisional Teacher report without any cover letter or explanation. The ALJ closed the record on that date. ALJ Stein issued his Initial Decision on November 30, 2004. *In the Matter of the Certificate of Julius Young*, Docket No. EDE 2373-04 (November 30, 2004).

In his Initial Decision, ALJ Stein recounted that Camden hired Young as a Provisional Teacher beginning on February 15, 2001. Young’s twenty-week evaluation, dated February 27, 2002, noted that he should be less confrontational with students.

(Initial Decision, slip op. at 3.) Thereafter, on March 14, 2002, Young was monitoring a group of students waiting for the school bus. (Initial Decision, slip op. at 3.) At some point, Young put his hands around the neck of a student and choked him for approximately 20 seconds into unconsciousness. (Initial Decision, slip op. at 3.) Young later explained that he grabbed the student because he had hit Young in the back. (Initial Decision, slip op. at 3.) After the incident, Young admitted his actions to Camden's Board of Trustees. (Initial Decision, slip op. at 4.) Young did not claim that he acted in self-defense nor did he acknowledge remorse for the incident. Camden terminated Young's employment and, on March 24, 2002, forwarded its final "disapproved" evaluation of his Provisional year to the Office. (Initial Decision, slip op. at 4.)

Based upon the foregoing facts, ALJ Stein determined that Camden was not arbitrary or capricious in issuing Young's disapproved rating. (Initial Decision, slip op. at 6.) He concluded that Young had failed to prove that he was entitled to receive an approval rating from Camden. Accordingly, ALJ Stein denied Young's appeal of the disapproved rating. (Initial Decision, slip op. at 6-7.)

At its meeting of January 20, 2005, the State Board of Examiners reviewed only the Initial Decision, as neither party filed exceptions. After full and fair consideration of the decision, the Board voted to adopt the Initial Decision.

Although this case is not one where the State Board of Examiners has before it the issue of revoking or suspending a certificate, the analysis that the Board employs in that situation is equally applicable here. There is no dispute that Young's behavior in choking a student is unconscionable and violates the prohibition against corporal punishment. *N.J.S.A. 18A:6-1*. Clearly, Young has engaged in conduct unbecoming a teacher, one of

the grounds for revocation of a teaching certificate. *N.J.A.C.* 6A:9-17.5. Moreover, 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). The Board of Examiners would be remiss in its duty to protect the children of New Jersey if it did not act to affirm Young's "disapproved" rating here. As that rating ensures that Young will not have another opportunity to enter a teacher-training program, he will not be allowed to teach in a public school in this State. *N.J.A.C.* 6A:9-8.7(b).

Accordingly, it is therefore ORDERED that the Initial Decision in this matter is adopted in its entirety and that Julius Young's appeal of his disapproved rating in the Teacher Provisional program is hereby denied on this 20th day of January 2005.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: FEBRUARY 18, 2005

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