

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WILLIAM KLEIN : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-121

At its meeting of September 23, 2003, the State Board of Examiners reviewed information it had received from the Bergen County Special Services Board of Education regarding a nontenured teacher, William Klein. The district had terminated Klein's employment for cause. The district claimed that, among other things, Klein had prevented his superiors from observing him in his classroom, had spoken belligerently to his superiors on many occasions, locked his classroom door and prevented others from entering, failed to teach certain elective classes, missed workshops and failed to follow the district procedures for coming to school late. As a result of escalating tension and agitation on Klein's part, on December 2, 2002, school officials had the police escort him from the school premises. Klein currently holds Teacher of English and Teacher of Elementary School certificates, both issued in August 1987 and a Teacher of the Handicapped certificate, issued in December 1989.

At its September 25, 2003, meeting the State Board of Examiners issued Klein an Order to Show Cause as to why his certificates should not be or suspended or revoked. The Order was predicated on the information the district provided in support of its charges of unbecoming conduct against Klein.

The Board sent Klein the Order to Show Cause by regular and certified mail on February 9, 2004. The Order provided that Klein's Answer was due within 30 days. Klein filed an Answer on March 1, 2004. In his Answer Klein admitted that the district had terminated his position. (Answer, ¶ 3). He also stated that his troubles in the district

stemmed from the difficulties he and others had with the principal of his building, Monica Crapis. (Answer, ¶ 4). Klein alleged that he asked Crapis for a copy of her certification when she sought to observe him. He claimed that she had many excuses for not showing it to him and became increasingly irritated. Klein noted that asking to see proper certification is not insubordinate behavior. (Answer, ¶ 4). Klein also denied that he locked his classroom door and instead noted that school policy required teachers to keep their doors locked for protection of themselves and their students. (Answer, ¶ 4). Klein also emphatically denied that he failed to teach electives, missed workshops or failed to file late procedures. (Answer, ¶ 4). He stated that he asked for the police escort out of the building for his safety and so that he could remove his belongings. (Answer, ¶ 5). In the remainder of his Answer, Klein added that his experience in the district represented only two months out of an almost twenty year teaching career. (Answer, ¶ 7). He added that there was no just cause to revoke or suspend his teaching certificates. (Answer, ¶ 7).

Thereafter, because there appeared to be material facts in dispute, pursuant to *N.J.A.C. 6A:9-17.7(g)*, the Board transmitted the matter to the Office of Administrative Law for hearing. The hearing was scheduled for four days beginning on April 4, 2005. Klein failed to appear at the hearing or to request an adjournment. Accordingly, the OAL returned the case to the State Board of Examiners. In its transmittal notice, the OAL informed Klein that he had to submit his reasons for his failure to appear to the Board of Examiners within thirteen days of the notice. Klein never responded to the notice explaining his absence.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Klein's conduct and his subsequent loss of his nontenured position constitute conduct unbecoming a certificate holder. At its meeting of May 5, 2005, the State Board of Examiners reviewed the charges and papers Klein filed in response to the Order to Show Cause. Since Klein defaulted at the hearing for his case, the Board of Examiners determined that the facts related to Klein's conduct were no longer in dispute. Thus, it is hereby ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. Accordingly, Klein's actions as alleged in the Order to Show Cause constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Klein's conduct as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board 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*. 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). "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. There can be no dispute that Klein's conduct negates any claim he can have to self-restraint. Yet despite his inability to function in this position, the Board of Examiners is aware that his difficulties may have been

particular to this district. Given his otherwise unblemished, lengthy career, Klein should not be permanently removed from the teaching profession. Thus, the Board believes that that appropriate penalty here is a suspension of Klein's teaching certificates.

Accordingly, it is therefore ORDERED that William Klein's Teacher of English, Teacher of Elementary School and Teacher of the Handicapped certificates be suspended for a period of three years beginning on this 5th day of May 2005. It is further ORDERED that Klein return his certificates 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: MAY 18, 2005

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