

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
TROY HYLICK : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-252

At its meeting of May 5, 2005, the State Board of Examiners reviewed information received from the Division of Youth and Family Services (DYFS) indicating that it had concerns regarding Troy Hylick's conduct. Hylick was a teacher at the Granville Charter School who allegedly pushed a student into a chair when he refused to sit down. When the student arose again and approached Hylick, Hylick pushed him away with two hands to his chest. During this altercation, the student fell over a desk. DYFS did not substantiate charges of physical abuse against Hylick, although it did have concerns regarding his conduct. Hylick currently holds a Teacher of Elementary School Certificate of Eligibility, issued in October 1996, and a Teacher of Elementary School certificate, issued in July 1999. Upon review of the above information, at its May 5, 2005, meeting, the State Board of Examiners voted to issue Hylick an Order to Show Cause.

The Board sent Hylick the Order to Show Cause by regular and certified mail on May 18, 2005. The Order provided that Hylick's Answer was due within 30 days. Hylick filed an Answer on September 10, 2005. In that response, Hylick denied the allegations in the Order to Show Cause. (Answer, p. 1). He claimed that he only got between two students who were fighting and that he never pushed a student into a seat. (Answer, p.1). He also claimed that when a student refused to take a seat and became confrontational, Hylick removed the student from "pushing up on me." (Answer, p. 1). Since Hylick's Answer raised issues of material fact, the Board transmitted the case to the Office of Administrative Law (OAL) for hearing.

Hylick did not appear at a scheduled prehearing conference, so the OAL returned the file to the Board of Examiners and sent him a copy of the Notice of Return for Failure to Appear.

The notice informed Hylick that he had 13 days from the date of the notice to explain his failure to appear to the Board. Hylick did not respond to that notice. At its meeting of May 4, 2006, the Board of Examiners voted to table the matter and provide Hylick an additional opportunity to explain his failure to attend the prehearing conference. The Board sent him a letter to that effect by regular and certified mail on May 8, 2006. He signed and returned the certified mail copy and the regular mail copy was not returned. Hylick did not respond to the letter. At its meeting of July 20, 2006, the Board voted to send Hylick a Hearing Notice. The notice was sent by regular and certified mail on July 27, 2006. Once again, the certified mail was signed and returned and the regular mail copy was not returned. The notice explained that if he did not file a response, the Board of Examiners would decide the matter based on the evidence before it. Hylick did not file a response to the Hearing Notice.

At its meeting of November 2, 2006, the State Board of Examiners reviewed the charges and papers Hylick filed in response to the Order to Show Cause. Since Hylick had never appeared at the OAL hearing or responded to the numerous opportunities the Board had provided him to explain his actions, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The issue before the State Board of Examiners in this matter, therefore, is whether Hylick's conduct, as set forth in the evidence before it, 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*. "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). The evidence before the Board demonstrates that Hylick was involved in a physical altercation with a student. Hylick's act of engaging in a physical altercation with a student demonstrates a lack of control. His behavior falls far short of that expected of a role model for students. Moreover, the Board finds Hylick's lack of respect for the administrative process inexcusable.

Accordingly, on November 2, 2006, the Board of Examiners voted to revoke Hylick's certificates. On this 7th day of December 2006, the Board formally adopted its written decision and it is therefore ORDERED that Troy Hylick's Teacher of Elementary School Certificate of Eligibility and Teacher of Elementary School certificate be revoked effective this day. It is further ORDERED that Hylick 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.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: DECEMBER 11, 2006

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