

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
KIM CARLOS : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0506-249

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on March 18, 2005, Kim Carlos had pled guilty to charges of endangering the welfare of children. On March 18, 2005, Carlos was sentenced to three years' imprisonment in a New Jersey State prison. He was also ordered to provide a DNA sample and to comply with the terms and conditions of Megan's Law classification and notification. Carlos currently holds a Teacher of Mathematics certificate, issued in April 1979 and a Teacher of Comprehensive Science certificate, issued in September 1978. Upon review of the above information, at its June 8, 2006 meeting, the State Board of Examiners voted to issue Carlos an Order to Show Cause. On July 20, 2006, it formally adopted the written Order to Show Cause.

The Board sent Carlos the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Carlos' Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Carlos did not file a response. Thereafter, on September 1, 2006, the Board sent Carlos a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The certified mail copy was signed and returned and the regular mail copy was not returned. The notice explained that if he did not file a response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Carlos did not file an Answer.

At its meeting of November 2, 2006, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Carlos' offense were in dispute since he had never denied that he had pled guilty to the offense and had been sentenced accordingly. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Carlos' offense, 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*. "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. Carlos' act of endangering the welfare of children is inexcusable for any individual, teacher or not.

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 instance, Carlos' conduct is egregious because he harmed a child.

Accordingly, on November 2, 2006, the Board of Examiners voted to revoke Carlos' certificates. On this 7th day of December 2006 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kim Carlos' Teacher of

Mathematics and Teacher of Comprehensive Science certificates be immediately effective. It is further ORDERED that Carlos 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.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: DECEMBER 11<sup>th</sup>, 2006

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