

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHAEL PAWLOWSKI : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-285

At its meeting of June 8, 2006, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Michael Pawlowski was convicted in 2005 of invasion of privacy. As a result of such conviction, Pawlowski was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Pawlowski did not challenge the accuracy of his criminal history record. Pawlowski currently holds a Teacher of English Certificate of Eligibility with Advanced Standing, issued in February 2003, and a Teacher of English Provisional certificate, issued in April 2005. Upon review of the above information, at its June 8, 2006 meeting, the State Board of Examiners voted to issue Pawlowski an Order to Show Cause. On July 20, 2006, the Board formally adopted its written Order to Show Cause.

The Board sent Pawlowski the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Pawlowski must file an Answer within 30 days. Pawlowski responded on August 28, 2006. In that Answer, Pawlowski admitted that he was disqualified from public school employment but denied that there was just cause to suspend or revoke his certificates. (Answer, p. 1). Pawlowski stated that he hoped to return to teaching in the future and that while he made a terrible mistake, it would be “the only smear on my record, a record that will be spotless in the future.” (Answer, p. 2.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on September 8, 2006, the Board sent Pawlowski a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Pawlowski was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Pawlowski responded on

October 3, 2006. In that response, he claimed that he should not be punished for the rest of his life due to a horrible mistake that he had made. (Hearing Response, p. 1.)

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Pawlowski's disqualifying offense constitutes conduct unbecoming a certificate holder. At its meeting of November 2, 2006, the State Board of Examiners reviewed the charges and papers Pawlowski filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Pawlowski's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h).

The State Board of Examiners must now determine whether Pawlowski's disqualification, which was predicated on the same offense as was 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.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for students. "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). Accordingly, the State Board of Examiners finds that Pawlowski's

disqualification from service in the public schools of this State because of his conviction for invasion of privacy provides just cause to take action against his certificates.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Pawlowski's conduct so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on November 2, 2006, the Board of Examiners voted to revoke Pawlowski's certificates. On this 7th day of December 2006, the Board voted to adopt its formal written decision and it is therefore ORDERED that Michael Pawlowski's Teacher of English Certificate of Eligibility with Advanced Standing and Teacher of English Provisional certificate be revoked effective this day. It is further ORDERED that Pawlowski return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. 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 13, 2006

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