

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
THOMAS MCNEILL : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-244

At its meeting of May 4, 2006, the State Board of Examiners reviewed information received from the Green Brook Superintendent of Schools indicating that on December 13, 2004, the Green Brook Board of Education voted to terminate the employment of Thomas McNeill. McNeill's termination became effective on January 20, 2005. The district alleged that after McNeill became upset with a student he suggested to the student that they should step out in the hallway. In addition, when the administration sent McNeill for a medical evaluation after the incident because of his unusual behavior, the medical reports indicated a positive drug result. McNeill currently holds a Teacher of Elementary School Certificate of Eligibility, issued in February 2003 and a Teacher of Speech Art and Dramatics Certificate of Eligibility, issued in October 2003. Upon review of the above information, at its May 4, 2006 meeting, the State Board of Examiners voted to issue McNeill an Order to Show Cause. The Board of Examiners formally adopted the Order to Show Cause on June 8, 2006.

The Board sent McNeill the Order to Show Cause by regular and certified mail on June 14, 2006. The Order provided that McNeill's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. McNeill did not file a response. Thereafter, on July 25, 2006, the Board sent McNeill a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. Again, 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, McNeill did not file an Answer.

At its meeting of September 21, 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 McNeill's offense were in dispute since he had never denied that he had engaged in the alleged conduct or tested positive for drugs after the incident. 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 McNeill'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*. "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. McNeill's act of threatening a student with a physical altercation and testing positive for drugs, is inexcusable.

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, McNeill's conduct is egregious because it was harmful to his students.

Accordingly, on September 21, 2006, the Board of Examiners voted to revoke McNeill's certificates. On this 2nd day of November 2006, the Board formally adopted its written decision and it is therefore ORDERED that Thomas McNeill's Teacher of Elementary School Certificate of Eligibility and Teacher of Speech Art and Dramatics Certificate of Eligibility be revoked effective this day. It is further ORDERED that McNeill 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: NOVEMBER 8, 2006

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