

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ANTHONY JONES : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-121

At its meeting of November 2, 2006, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on August 4, 2006, Anthony Jones had pled guilty to charges of 3rd degree official misconduct. While employed as a physical education teacher at Hillside High School Jones had taken multiple photos of several male students in sexually explicit poses and costumes for use in his male entertainment business. On August 4, 2006, Jones was sentenced to 30 months' probation. He also forfeited his teaching position and was forever barred from obtaining public employment pursuant to N.J.S.A. 2C:51-2(d). Jones currently holds a Teacher of Health and Physical Education Certificate of Eligibility, issued in May 1995, and a Teacher of Health and Physical Education certificate, issued in December 1996. Upon review of the above information, at its December 7, 2006, meeting, the State Board of Examiners voted to issue Jones an Order to Show Cause.

The Board sent Jones the Order to Show Cause by regular and certified mail on December 20, 2006. The Order provided that Jones' Answer was due within 30 days. Jones filed his response on February 15, 2007. In that Answer, Jones admitted to pleading guilty to official misconduct and being barred forever from holding any public position in New Jersey. (Answer, ¶¶ 4, 5). He stated that he had been a teacher for the past eleven years and had held numerous leadership positions within the school system. (Answer, ¶¶ 7a, 7b). He maintained

that he always had positive observations and evaluations. (Answer, ¶¶ 7c). Jones added that his plea deal did not require him to surrender his teaching certificates. (Answer, ¶¶ 7i).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 2, 2007, the Board of Examiners sent Jones a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Jones 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 offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On April 1, 2007, Jones submitted his reply.

In that response, Jones asked the Board of Examiners “to take into consideration my excellent credentials and record prior to this Official Misconduct charge.” (Hearing Response, p. 2). He also asked the Board to consider suspending rather than revoking his teaching certificates. (Hearing Response, p. 2). Jones stated that the official misconduct charge did not affect any students or impact the instructional process. (Hearing Response, p. 2). He added that he took responsibility for his actions and hoped to teach in the future in the private sector. (Hearing Response, p. 2). Jones also noted that “was not barred from working with children or students or ever teaching again.” (Hearing Response, p. 2).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Jones’ guilty plea to official misconduct constitutes conduct unbecoming a certificate holder. At its meeting of May 3, 2007, the State Board of Examiners reviewed the charges and papers Jones filed in response to the Order to Show Cause. After review of Jones’ submissions,

the Board of Examiners determined that no material facts related to his offense were in dispute since he admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. 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 Jones' offense as set forth in the Order to Show Cause, provides 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. Jones' acts of photographing students in sexually-suggestive poses and costumes for his own business are inexcusable for any individual, teacher or not. While Jones may have been an exceptional teacher in the classroom, he has not demonstrated like behavior outside that arena.

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, Jones' conduct was sufficiently egregious to cause the court to bar him from forever holding any public position.

Accordingly, on May 3, 2007, the Board of Examiners voted to revoke Jones' Teacher of Health and Physical Education Certificate of Eligibility and Teacher of Health and Physical Education certificate. On this 7th day of June 2007 the Board of Examiners voted to adopt its

formal written decision and it is therefore ORDERED that the revocation of Anthony Jones' certificates be immediately effective. It is further ORDERED that Jones return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing: JUNE 12, 2007

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