

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WILLIAM O'LEARY : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-220

At its meeting of June 7, 2007, the State Board of Examiners reviewed information received from the Monmouth County prosecutor's Office indicating that on March 7, 2006, William O'Leary pled guilty to Endangering the Welfare of a Child. On March 9, 2007, O'Leary was sentenced to five years probation and fined. The Court also sentenced O'Leary to community supervision for life, ordered him to forfeit his public office and prohibited him from teaching in any public, private or parochial school. O'Leary currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 1995, a Teacher of Physical Education Certificate of Eligibility With Advanced Standing, issued in October 1995 and Teacher of Elementary School and Physical Education certificates, both issued in July 1996. Upon review of the above information, at its June 7, 2007 meeting, the State Board of Examiners voted to issue O'Leary an Order to Show Cause.

The Board sent O'Leary the Order to Show Cause by regular and certified mail on June 15, 2007. The Order provided that O'Leary's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. O'Leary did not file a response.

Thereafter, on July 20, 2007, the Board of Examiners sent O'Leary a second notice by regular and certified mail. The notice provided him with an additional 15 days to respond to the Order to Show Cause. Once again, O'Leary did not respond. On November 7, 2008, pursuant to *N.J.A.C. 6A:9-17.7(c)*, the Board sent O'Leary a Hearing Notice by regular and certified mail providing him the opportunity to file a written submission with regard to the appropriate sanction

in the event that the Board found just cause to revoke his certificates. The notice also allowed O'Leary to appear to offer testimony on the sanction issue. O'Leary did not file a response to this notice either.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying O'Leary's conviction for Endangering the Welfare of a Child constitutes conduct unbecoming a certificate holder. At its meeting of February 23, 2009, the State Board of Examiners reviewed the charges in the Order to Show Cause and supporting documents. The Board of Examiners determined that no material facts related to O'Leary's offense were in dispute since he never denied that he had been convicted of 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)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether O'Leary's 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. O'Leary's acts of Endangering the Welfare of a Child are inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. By his actions, O'Leary has long lost the right to claim status as a role model for anyone. Certainly the court recognized this when it ordered O'Leary to forfeit his public position and barred him from teaching in any school, public or private, in New Jersey.

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, O'Leary's actions inflicted great harm upon a child and the only possible response to his breach is the revocation of his teaching certificates.

Accordingly, on February 23, 2009 the Board of Examiners voted to revoke O'Leary's Teacher of Elementary School Certificate of Eligibility With Advanced Standing, Teacher of Physical Education Certificate of Eligibility With Advanced Standing, and Teacher of Elementary School and Teacher of Physical Education certificates. On this 31st day of March 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of William O'Leary's certificates be effective immediately. It is further ORDERED that O'Leary return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. 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:

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

RRH:MZ: