

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
JEFFREY DOOGAN : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-231

At its meeting of June 22, 2009, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Jeffrey Doogan pled guilty in May 2009 to Aggravated Sexual Contact and Endangering the Welfare of Children. As a result of such conviction, Doogan was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Doogan currently holds a Substitute Credential, which expires in April 2013.

Doogan did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Doogan an Order to Show Cause at its meeting of July 28, 2009.

The Board sent Doogan the Order to Show Cause by regular and certified mail on August 13, 2009. The Order provided that Doogan must file an Answer within 30 days. Doogan filed an Answer on September 11, 2009.

In his Answer, Doogan asserted that the decision to seek revocation was based on his guilty plea. He stated that “I have since filed to withdrawal (*sic*) the plea agreement and maintain my innocence in this matter.” (Answer, p. 1.) Doogan added that he believed he should retain his credential until “this matter is resolved officially in a court of law.” (Answer, p. 1.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on October 22, 2009, the Board sent Doogan a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Doogan 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 credential. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Doogan was also provided the opportunity to appear before the Board to testify on the sanction issue.

Doogan did not file a response. Neither the certified mail return receipt card nor the regular mail copy of the notice was returned.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Doogan's disqualifying offense constitutes conduct unbecoming a certificate holder. Since Doogan failed to respond to the hearing notice, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of January 7, 2010, the State Board of Examiners reviewed the charges and papers Doogan 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 Doogan's offense were in dispute since he never denied that he had submitted a guilty plea to 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)*. 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 Doogan's conduct and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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 dangerous. Individuals convicted of crimes such as Aggravated Criminal Sexual Contact and Endangering the Welfare of Children fall squarely within this category. 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.

In this case, Doogan has a conviction for a crime that directly involved danger to children. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Moreover, 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 Doogan's disqualification from service in the public schools of this State because of his conviction for Aggravated Criminal Sexual Contact and Endangering the Welfare of Children provides just cause to take action against his credential.

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 Doogan's offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on January 7, 2010 the Board of Examiners voted to revoke Jeffrey Doogan's Substitute Credential. On this 25th day of March 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Doogan's credential be effective immediately. It is further ORDERED that Doogan return his credential 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:6-38.4.

RRH:MZ: