

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
KENYATTA O'BRYANT : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1011-166

At its meeting of February 24, 2011, the State Board of Examiners (Board) reviewed information received from the Essex County Prosecutor's Office indicating that on September 28, 2009, Kenyatta O'Bryant pled guilty to Arson and Insurance Fraud. On November 13, 2009, O'Bryant was sentenced to 364 days' imprisonment in county jail, one year of probation and fined. O'Bryant currently holds a Teacher of Health and Physical Education Certificate of Eligibility, issued in April 2000, a Substance Awareness Coordinator Certificate of Eligibility, issued in October 2001, a School Social Worker certificate, issued in May 2003, a Principal Certificate of Eligibility, issued in December 2003, a School Administrator Certificate of Eligibility, issued in January 2004, and Supervisor and School Counselor certificates, both issued in April 2008. Upon review of the above information, at its May 12, 2011 meeting, the Board voted to issue O'Bryant an Order to Show Cause.

The Board sent O'Bryant the Order to Show Cause by regular and certified mail on May 17, 2011. After the mail was returned as undeliverable, the Board secured a new address for O'Bryant and re-sent the Order by regular and certified mail. The Order provided that O'Bryant must file an Answer within 30 days. The certified mail copy was returned as "unclaimed" and the regular mail copy was not returned. O'Bryant did not respond. Thereafter, on July 21, 2011, the Board sent O'Bryant another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "unclaimed" and the regular mail copy was not returned. Once again, O'Bryant did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on October 6, 2011, the Board sent O'Bryant a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, O'Bryant 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if O'Bryant's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. O'Bryant was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. O'Bryant submitted a written response on October 20, 2011.

In that response, O'Bryant admitted pleading guilty to Arson and Insurance Fraud. (Hearing Response, p.1). He argued that his certificates should not be revoked because "the crime had no direct impact with my teaching ability," and that his livelihood would be in jeopardy. (Hearing Response, p.1). O'Bryant asked for the right to keep his certificates so that he could use them either in the public school arena or for use as "supplemental documentation for another career path that I may develop." (Hearing Response, p.1). He claimed that he had integrated back into society and was helping others less fortunate than he. (Hearing Response, p.1). He asked the Board to weigh "all options regarding this life changing decision" and included his resume so the Board could ascertain "a true understanding of me and my background." (Hearing Response, p.1).

The threshold issue before the Board in this matter is whether O'Bryant's conviction constitutes conduct unbecoming a certificate holder. At its meeting of December 16, 2011, the

Board considered the allegations in the Order to Show Cause and O'Bryant's Hearing Response. The Board determined that no material facts related to O'Bryant's offense were in dispute since he admitted that the allegations in the Order to Show Cause regarding his conviction and sentence were accurate. Thus, the Board 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 Board must now determine whether O'Bryant's conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. O'Bryant's acts of Arson and Insurance Fraud demonstrate a dishonesty that falls far short of the role model status expected of teachers. Clearly, O'Bryant cannot lay claim to that status.

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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, O'Bryant's conviction for Arson and Insurance Fraud resulted in a prison term and probation. O'Bryant's offense demonstrates egregious behavior that warrants revocation.

Accordingly, on December 16, 2011, the Board voted to revoke O'Bryant's Teacher of Health and Physical Education, Substance Awareness Coordinator, Principal and School Administrator Certificates of Eligibility, and his School Social Worker, Supervisor and School Counselor certificates. On this 19th day of January 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kenyatta O'Bryant's certificates be effective immediately. It is further ORDERED that O'Bryant 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:6-38.4.

RRH:MZ:th