

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
CHARLES JOHNSON, JR. : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-241

At its meeting of July 28, 2011, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Atlantic County Prosecutor's Office (ACPO) regarding Charles Johnson, Jr. The OCHR and the ACPO notified the Board that Johnson pled guilty to Abuse of Child-Cruelty-Neglect in April 2011. As a result of the conviction, Johnson was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Johnson currently holds a Substitute Credential, which expires in January 2015.

Johnson did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of September 22, 2011 to issue Johnson an Order to Show Cause why his credential should not be revoked.

The Board sent Johnson the Order to Show Cause by regular and certified mail on September 30, 2011. The Order provided that Johnson must file an Answer within 30 days. Both the certified mail and regular mail copies were returned as "Not Deliverable as Addressed." After securing a new address for Johnson from the Motor Vehicle Commission, the Board re-sent Johnson the Order to Show Cause by regular and certified mail on October 27, 2011. The certified mail receipt was signed and returned. The regular mail copy was not returned. Johnson did not file a response. Thereafter, on November 29, 2011, the Board sent Johnson another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Johnson did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 21, 2011, the Board sent Johnson a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Johnson 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 found just cause to take action against his credential. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his disqualifying offense warranted action against his credential. Thereupon, the Board would also determine the appropriate sanction, if any. Johnson was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Johnson did not respond.

The threshold issue before the Board in this matter is whether Johnson's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Johnson failed to respond to the Order to Show Cause or the hearing notice, at its meeting of April 2, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Johnson's offense were in dispute since he never denied that he had been convicted of the offense charged. 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 Johnson's conviction 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 a danger. Individuals convicted of a crime such as Abuse of Child-Cruelty-Neglect fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must serve as role models for their 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. Clearly, Johnson's actions here are not those of a role model.

The 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 Board 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 Johnson's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Johnson's credential.

Accordingly, on April 2, 2012, the Board voted to revoke Charles Johnson, Jr.'s Substitute Credential. On this 17th day of May 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Charles Johnson Jr.'s credential be effective immediately. It is further ORDERED that Johnson 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*.