

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DERICK JERINSKY : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-168

At its meeting of April 5, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Bergen County Prosecutor's Office (BCPO) regarding Derick Jerinsky. The OCHR and the BCPO notified the Board that on March 25, 2011, Jerinsky pled guilty to Endangering the Welfare of a Child – Duty. On June 17, 2011, Jerinsky was sentenced to three years' imprisonment, ordered to comply with the provisions of Megan's Law and ordered to forfeit his public employment. The court also forever disqualified Jerinsky from holding any position of honor, trust or profit under this State or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2d*. The OCHR notified the Board that as a result of the conviction, Jerinsky was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Jerinsky currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing, issued in October 2008.

Jerinsky 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 May 17, 2012 to issue Jerinsky an Order to Show Cause why his certificates should not be revoked.

The Board sent Jerinsky the Order to Show Cause by regular and certified mail on May 24, 2012. The Order provided that Jerinsky must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Jerinsky did not file a response. Thereafter, on June 27, 2012, the Board sent Jerinsky 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. Jerinsky did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 24, 2012, the Board sent Jerinsky a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Jerinsky 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 certificate. 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 certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Jerinsky 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, Jerinsky did not respond.

The threshold issue before the Board in this matter is whether Jerinsky's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Jerinsky failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 21, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Jerinsky's offense were in dispute since he never denied that he had been convicted of the offense charged and sentenced accordingly. 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 Jerinsky's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates 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 to them. Individuals convicted of a crime such as Endangering the Welfare of a Child - Duty 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, Jerinsky's actions here are not those of a role model. The court obviously agreed as it sentenced Jerinsky to a lengthy prison term, ordered him to comply with the provisions of Megan's Law, forfeit his public employment and also forever disqualified him from holding any position of honor, trust or profit under this State or any of its administrative or political subdivisions pursuant to *N.J.S.A.* 2C:51-2d.

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 and the court considered Jerinsky's offense so

significant, the Board believes that the only appropriate sanction in this case is the revocation of Jerinsky's certificate.

Accordingly, on September 21, 2012, the Board voted to revoke Derick Jerinsky's Teacher of Music Certificate of Eligibility With Advanced Standing. On this 30th day of November 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Derick Jerinsky's certificate be effective immediately. It is further ORDERED that Jerinsky return his certificate 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.