

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DEREK HILDRETH : ORDER OF SUSPENSION
_____ : DOCKET NO: 1112-177

At its meeting of March 1, 2012, the State Board of Examiners (Board) reviewed information received from the Cumberland County Prosecutor's Office (Cumberland) regarding Derek Hildreth. Cumberland notified the Board that in November 2011, Hildreth was indicted on nine counts of Aggravated Sexual Assault in the first degree, 13 counts of Endangering the Welfare of a Child in the second degree, 10 counts of Sexual Assault in the second degree and one count of Endangering the Welfare of a Child in the fourth degree. Hildreth currently holds a Teacher of Elementary School certificate, issued in June 1988. Upon review of the above information, at its meeting of April 2, 2012, the Board voted to issue Hildreth an Order to Show Cause as to why his certificate should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent Hildreth the Order to Show Cause by regular and certified mail on April 4, 2012. The Order provided that Hildreth must file an Answer within 30 days. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Upon learning that Hildreth was incarcerated, the Board re-sent Hildreth the Order to Show Cause by regular and certified mail on May 3, 2012. The certified mail receipt was signed and returned and the regular mail copy was not returned. Hildreth did not file a response. Thereafter, on June 11, 2012, the Board sent Hildreth 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. Hildreth did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 29, 2012, the Board sent Hildreth a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Hildreth 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 offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Hildreth did not respond.

The threshold issue before the Board in this matter, therefore, is whether Hildreth's indictment constitutes just cause unbecoming a certificate holder. Since Hildreth 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 Hildreth's offense were in dispute since he never denied that he had been indicted for the offenses 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 Hildreth's indictment, as set forth in the Order to Show Cause, represents 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*. 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 Sexual Assault, Endangering the Welfare of a Child and Sexual Assault 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, Hildreth has an arrest 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 Hildreth’s potential disqualification from service in the public schools of this State because of his indictment on charges of Aggravated Sexual Assault, Endangering the Welfare of a Child and Sexual Assault provides just cause to take action against his certificate.

Accordingly, on September 21, 2012, the Board voted to suspend Hildreth’s certificate pending resolution of the criminal charges against him. On this 30th day of November 2012 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Derek Hildreth’s Teacher of Elementary School certificate be suspended effective this day. If the charges are resolved in his favor, he shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that Hildreth return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO 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.

