

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
STEPHEN DANTINNE : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-166

At its meeting of February 28, 2013, the State Board of Examiners (Board) reviewed information the Vineland School District (Vineland) had forwarded pursuant to *N.J.A.C. 6A:9-17.4* regarding Stephen Dantinne. Vineland reported that Dantinne had resigned/retired from his tenured position following allegations that he had accessed inappropriate images on a district computer during work hours. A review of the sites that Dantinne accessed over a thirty day period between September 20, 2012 and October 20, 2012 included pornographic images or aberrant and deviant subject matter. When questioned by district administrators, Dantinne admitted accessing the sites and stated that he had a compulsion that drove him to such sites. He agreed to vacate his position in Vineland, seek psychological counseling and retire. Dantinne currently holds a Teacher of Biological Science certificate, issued in October 1974, a Teacher of Comprehensive Science certificate, issued in August 1981, a Teacher of Data Processing certificate, issued in October 1983, a Supervisor certificate, issued in June 1992, a Principal Certificate of Eligibility, issued in June 2001 and a School Administrator Certificate of Eligibility, issued in November 2001. Upon review of the above information, at its April 12, 2013 meeting, the Board voted to issue Dantinne an Order to Show Cause.

The Board sent Dantinne the Order to Show Cause by regular and certified mail on April 30, 2013. The Order provided that Dantinne must file an Answer within 30 days. Dantinne responded on May 17, 2013. In his Answer, Dantinne admitted to all of the allegations in the Order to Show Cause and added that he had agreed to retire and seek psychological counseling. (Answer, ¶ 4). Dantinne also denied that revocation of his certificates was the appropriate penalty. (Answer, ¶ 5). In Separate Defenses, Dantinne noted that, as Supervisor of Technology, one of his responsibilities was to monitor, evaluate, and maintain the school district's web content filter, which required him to visit websites and ascertain if they were content-appropriate. (Answer, Separate Defenses, ¶1). Dantinne also alleged that

his willingness to undergo counseling and retire quickly to bring an end to the controversy was probably misconstrued by district officials. (Answer, Separate Defenses, ¶2). Finally, Dantine noted that revocation of his certificates after 32 years of exemplary service was unwarranted. (Answer, Separate Defenses, ¶ 3).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 29, 2013, the Board sent Dantine a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Dantine 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 Dantine's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Dantine was also offered the opportunity to appear before the Board to provide testimony on the sanction issue.

Although he did not ask to appear before the Board, Dantine did file a Hearing Brief on July 26, 2013. In his response, Dantine noted that he needed to visit questionable websites in order to execute his duties and that his computer was located in an administrative building that was separate from any students. (Hearing Response, p. 1). Dantine also argued that his actions were limited in time and scope and were not shared with anyone. (Hearing Response, pp. 4-5). He stated that he had had a lapse in judgment and viewed only a few websites and that his actions did not warrant the revocation of his certificates. (Hearing Response, p. 5). Dantine also stated that students did not have the potential to view any of the materials on his computer and therefore his activities did not pose any potential harm to them or impact his ability to execute his duties effectively. (Hearing Response, pp. 5-7). Dantine urged the Board to take no further remedial action, as he maintained that his resignation from Vineland constituted sufficient punishment for his actions. (Hearing Response, pp. 7-9). He noted his 32 year heretofore-unblemished career in education and added that he had not been subject to progressive

discipline. (Hearing Response, pp. 8-9). Finally, although he acknowledged that his actions violated Vineland's computer policies, he stated that he was not aware that he could be punished by the revocation of his certificates and did not envision that possibility when he resigned his position. (Hearing Response, pp. 9-10).

The threshold issue before the Board in this matter is whether Dantine's conduct constitutes conduct unbecoming a certificate holder. At its meeting of November 1, 2013, the Board considered the allegations in the Order to Show Cause, Dantine's Answer and his Hearing Response. The Board determined that no material facts related to Dantine's offense were in dispute since he never denied that he had engaged in the alleged behavior. 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 Dantine's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates 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. Dantine's argument that his behavior is somehow less culpable because he was not a classroom teacher and students had no access to his computer is specious at best. His level of behavior fell far below that expected of a certificate holder and is subject to the same standard of review by this Board. *See In the Matter of the Certificates of Christopher Daggett*, Dkt. No. 1011-227 (April 12, 2013) (teacher, a combat veteran who violated district computer policy by taking nude photos of himself on school computer after school hours, engaged in unbecoming conduct warranting revocation of his certificates). Moreover, Dantine maintains that his job responsibilities, in part, required him to ascertain whether or not certain websites were

appropriate for student use. Yet the extensive list of Google “hits” that were found on Dantine’s computer included many searches for porn stars engaged in anal sex. One would be hard-pressed to argue that websites such as “glamorous anal porn stars” or “anal addicts” could possibly be appropriate for student viewing and therefore needed to be further investigated. 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). Thus, despite his long unblemished career, the Board believes that the only appropriate response to Dantine’s breach is the revocation of his certificates.

Accordingly, on November 1, 2013, the Board voted to revoke Dantine’s Principal and School Administrator Certificates of Eligibility and his Teacher of Biological Science, Teacher of Comprehensive Science, Teacher of Data Processing and Supervisor certificates. On this 6th day of December 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Stephen Dantine’s certificates be effective immediately. It is further ORDERED that Dantine 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