

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JASON DORRELL : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-108

At its meeting of April 12, 2013, the State Board of Examiners (Board) reviewed information received from the Salem County Prosecutor's Office (SCPO) and the Office of Criminal History Review (OCHR) regarding Jason Dorrell. On November 16, 2012, Dorrell pled guilty to Showing Obscene Material to Person Under 18 to Arouse Self/Another. As a result of the conviction, Dorrell was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Dorrell currently holds a Teacher of Music Certificate of Eligibility With Advanced Standing, issued in March 2010 and a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in March 2011.

Dorrell 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 16, 2013 to issue Dorrell an Order to Show Cause why his certificates should not be revoked.

The Board sent Dorrell the Order to Show Cause by regular and certified mail on May 20, 2013. The Order provided that Dorrell must file an Answer within 30 days. Dorrell filed an Answer on May 31, 2013.

In his Answer, Dorrell admitted that upon his arrest he recognized his "error in judgment" and began both psychological and religious counseling. (Answer, ¶ 3). He stated that he pled guilty to his offense on the advice of counsel to avoid having the minor victim testify. (Answer, ¶ 3). Dorrell noted that he had sent only one photo to a female computer correspondent who had claimed she was 19 years old and had sent him an image first. (Answer, ¶ 3). He noted

that he never personally met the victim and only later discovered that she was a minor. (Answer, ¶ 3). Dorrell added that the investigation revealed no other illicit or illegal computer activity and stated that there were no complaints or concerns about his behavior related to any students. (Answer, ¶ 3). He also noted that he was released early from his sentence with time off for good behavior. (Answer, ¶ 3). Dorrell argued that his certificates should not be revoked as he had made a single error in judgment after being misled and had received counseling prior to his prison term. (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 13, 2013, the Board sent Dorrell a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Dorrell 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 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 his disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Dorrell 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. Dorrell did not respond.

The threshold issue before the Board in this matter is whether Dorrell's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of September 20, 2013, the Board reviewed the allegations in the Order to Show Cause and Dorrell's Answer. The Board determined that no material facts related to Dorrell's offense were

in dispute since he never denied that he had been convicted of the offense charged and admitted he had pled guilty to it. 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 Dorrell'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. Individuals convicted of a crime such as Showing Obscene Material to Person Under 18 to Arouse Self/Another fall squarely within in this category. The strong legislative policy statement is also 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. 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Dorrell's conviction for Showing Obscene Material to Person Under 18 to Arouse Self/Another demonstrates behavior that falls far short 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 and the Commissioner consider Dorrell's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on September 20, 2013, the Board voted to revoke Jason Dorrell's Teacher of Music and Teacher of Elementary School in Grades K-5 Certificates of Eligibility With Advanced Standing. On this 1st day of November 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Jason Dorrell's certificates be effective immediately. It is further ORDERED that Dorrell 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.