

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
YAKIK RUMLEY : ORDER OF SUSPENSION
_____ : DOCKET NO: 1112-112

At its meeting of May 16, 2013, the State Board of Examiners (Board) reviewed information regarding Yakik Rumley. Rumley surrendered his teaching certificates in New York in December 2008 as a condition of his guilty plea to Disorderly Conduct, involving non-sex related acts or crimes committed against a child. In that incident, Rumley had allegedly assaulted and threatened a student by telling the student “Don’t lie on me again or I’ll fuck you up,” and squeezing his hands around the student’s neck, pushing him into a wall and later scratching his face. As part of the plea agreement, Rumley also permanently waived his right to apply for teaching certificates in New York. In 2010, Rumley was convicted in New York of Burglary-Illegal Entry of a Dwelling, Burglary-Causing Physical Injury, Criminal Mischief and Criminal Contempt. In January 2013, Rumley’s 2010 convictions were vacated by the Appellate Division of the New York Supreme Court and reduced to Criminal Trespass. That conviction stemmed from an incident in which Rumley physically injured his girlfriend’s friend when he forced his way into their apartment after being refused entry. In New Jersey, Rumley currently holds a Teacher of Physical Education Certificate of Eligibility, issued in November 2004 and a Teacher of Physical Education certificate, issued in July 2008. Upon review of the above information, at its July 25, 2013 meeting, the Board voted to issue Rumley an Order to Show Cause.

The Board sent Rumley the Order to Show Cause by regular and certified mail on July 29, 2013. The Order provided that Rumley must file an Answer within 30 days. After receiving an extension of time, Rumley responded on September 27, 2013. In that Answer, Rumley admitted that he entered into a consent order in New York regarding the 2008 incident. (Answer,

¶ 3). Rumley stated that he was “without sufficient information to know” whether the allegations regarding his 2010 conviction and subsequent re-sentencing were true and therefore denied them. (Answer, ¶¶ 4, 5). Rumley also denied that his New Jersey certificates should be revoked. (Answer, ¶ 7). In Separate Defenses, Rumley claimed that the Order to Show Cause did not set forth a cognizable charge and involved allegations or conduct which, even if improper, did not warrant an Order to Show Cause. (Answer, Separate Defenses ¶¶ 1, 2). He also argued that there were mitigating circumstances which did not warrant revocation and that he had already been disciplined for the alleged conduct in the Order to Show Cause. (Answer, Separate Defenses, ¶¶ 3, 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on October 18, 2013, the Board sent Rumley a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Rumley 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 Rumley’s conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Rumley was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time, Rumley submitted a Hearing Response on November 27, 2013.

In his Hearing Response, Rumley argued that any decision by the Board would be premature because the record was incomplete and he was entitled to a full hearing. (Hearing Response, p. 3). Rumley noted that there was no evidence in the record before the Board that indicated the basis for his guilty plea to the disorderly conduct charge in New York or the facts

and circumstances that led to the incident between him and the high school student. (Hearing Response, p. 3). Rumley also argued that his conduct in the 2010 conviction did not arise under any circumstances involving his employment or involving students. (Hearing Response, p. 5). Rumley argued that the case should be transmitted to the Office of Administrative Law (OAL) for a full hearing. (Hearing Response, pp. 6-8). He further opined that in the alternative there was no just cause to revoke his certificates because the alleged unbecoming conduct occurred in New York under his New York teaching certificate and therefore attached only to that certificate, which was voluntarily surrendered. (Hearing Response, p. 8). Rumley argued that the Board could “not point to any evidence presented that established that Respondent’s job performance in New Jersey was or has been diminished in any way.” (Hearing Response, p. 10). Rumley also noted that even if the Board found just cause to take action against his certificates, no sanction should be imposed since the behavior occurred in New York at least four years before. (Hearing Response, p. 11). He added that he had apologized for his conduct in New York which led to the surrender of his certificates there and had his original criminal charges reduced to a minor offense. (Hearing Response, p. 11). Rumley also indicated that he had worked without incident as an Athletics/Recreation Supervisor for the New York Police Athletic League and had served in various youth developmental programs in New York. (Hearing Response, pp. 11-12). He also claimed that he had “learned to exercise self-control” in his position and understood the important responsibility in his role as a teacher and educator of children. (Hearing Response, p. 12). In addition to his Hearing Response, Rumley requested to appear before the Board.

In testimony before the Board, Rumley’s counsel reiterated the arguments in the Hearing Response that the information the Board had was incomplete and that the hearing should proceed before the OAL. He added that the Board had no evidence before it regarding Rumley’s guilty plea to the 2008 charges and that the 2009 charges did not touch on his employment. Rumley’s attorney argued that Rumley should be allowed to present evidence and facts and circumstances

to refute the charges and noted that nothing in either incident touched upon Rumley's employment in New Jersey. He noted that Rumley had apologized and learned from his mistakes and wanted to retain his certificates. Rumley testified that he was remorseful for what had happened and had learned a lot during his 26 months of incarceration before his conviction was vacated. He added that he had worked helping other individuals get their lives back on track. Rumley noted that he was still a coach at Basketball City and was able to be a role model and that while he could not change what happened he could still make a difference and hoped to be able to go back to teaching.

The threshold issue before the Board in this matter is whether Rumley's convictions and the surrender of his New York licenses constitute conduct unbecoming a certificate holder. At its meeting of July 15, 2014, the Board considered the allegations in the Order to Show Cause, Rumley's Answer, Hearing Response with accompanying submissions and his testimony. The Board determined that no material facts related to Rumley's offenses were in dispute since he admitted that he had pled guilty to the 2008 offense and had surrendered his certificates in New York pursuant to the plea agreement. Furthermore, Rumley admitted that ultimately he had been convicted of criminal trespass in the incident involving his girlfriend's friend. 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 Rumley's convictions and the surrender of his New York certificates, 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.

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.

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 matter, Rumley’s conviction for Disorderly Conduct resulted in the surrender of his New York certificates and a permanent ban from applying for teaching certification in New York. In addition, he has a second conviction for Criminal Trespass that involved injury to another person.

Moreover, although Rumley argues otherwise, it is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal conduct, even if the conduct was unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). Here, one of Rumley’s convictions is for an offense involving a child. A teacher’s behavior outside the classroom may be relevant in determining that person’s qualifications and continued fitness to retain his certificates. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div. 1943), cert. denied 65 *N.J.* 292 (1974). Furthermore, despite Rumley’s assertions to the contrary, the Board is not restricted to behavior that takes place in New Jersey in determining whether that person is fit to teach in this state.

Additionally, notwithstanding Rumley’s contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is “to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” *See In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 *N.J.A.R.* 2D (EDE) 1, 16 *aff'd*, App. Div. Dkt. No. A-1246-96T5 (September 9,

1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Rumley has successfully continued to work with youth in a variety of capacities without incident, while a step in the right direction, has no bearing on the decision the Board must make with regard to his certification. Nevertheless, the Board believes that given the totality of circumstances here, including the fact that Rumley's convictions are for minor offenses and his conduct with the student was never proven, the appropriate sanction in this matter is a two year suspension of Rumley's certificates.

Accordingly, on July 15, 2014, the Board voted to suspend Yakik Rumley's Teacher of Physical Education Certificate of Eligibility and Teacher of Physical Education certificate for a period of two years. On this 24th day of July 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the two-year suspension of Yakik Rumley's certificates be effective immediately. It is further ORDERED that Rumley 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 *N.J.S.A. 18A:6-38.4*.

RRH/MZ/th