

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JUAN CARLOS RUIZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-222

At its meeting of May 22, 2014, the State Board of Examiners (Board) reviewed information the Office of Fiscal Accountability and Compliance (OFAC) had forwarded regarding Juan Carlos Ruiz. OFAC sent the Board its April 2014 report titled “Newark Public School District, Rafael Hernandez Elementary School (Hernandez), Improper Conduct of Administrative Staff.” OFAC had been asked to investigate by the Office of Assessments after the district reported a suspected test breach for the 2010 NJ ASK test. During the course of its investigation, OFAC uncovered emails which revealed that Ruiz, the Principal at Hernandez, violated district and state guidelines by failing to report incidents of violence, vandalism, harassment, intimidation and bullying at the school from 2010 to 2013, including instructing staff to “contain” an allegation of a sexual encounter or assault at the school involving two students. OFAC also concluded that Ruiz had engaged in a personal relationship with a subordinate, in part during school hours, and that he had facilitated the relationship through the district’s email system with numerous lewd remarks, sexual references and innuendo, which were exchanged on at least one occasion in the presence of students.

Ruiz currently holds a Teacher of Elementary School Certificate of Eligibility, issued in January 1997, a Teacher of Elementary School certificate, issued in September 1998, a Principal Certificate of Eligibility, issued in September 2000 and a Principal certificate, issued in April 2004. Upon review of the above information, at its July 15, 2014 meeting, the Board voted to issue Ruiz an Order to Show Cause.

The Board sent Ruiz the Order to Show Cause by regular and certified mail on July 18, 2013. The Order provided that Ruiz had 30 days to respond. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Ruiz did not respond. Thereafter, on August 22, 2014, the Board sent Ruiz another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Unclaimed” and the regular copy was not returned. Ruiz did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on September 18, 2014, the Board sent Ruiz a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ruiz 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 Ruiz’s offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ruiz was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “Attempted-Not Known” and the regular mail copy was not returned. After securing a new address for Ruiz, the Board re-sent the hearing notice to him by regular and certified mail on September 26, 2014. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Once again, Ruiz did not respond.

The threshold issue before the Board in this matter is whether Ruiz’s conduct constitutes conduct unbecoming a certificate holder. Since Ruiz failed to respond to the Order to Show Cause or the hearing notice, at its meeting of December 12, 2014, the Board considered only the

allegations in the Order to Show Cause. The Board determined that no material facts related to Ruiz'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:9B-4.7(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 Ruiz's conduct, as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5*. "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. 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 matter, Ruiz's conduct in failing to report numerous instances of violence and vandalism in his school, including instructing his staff to "contain" an allegation of a sexual encounter involving two students, is wholly inappropriate. Moreover, his engaging in a personal relationship with a subordinate, during school hours and using the district's email system to exchange lewd remarks including, on at least one occasion, in the presence of students, renders his behavior egregious. Ruiz falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on December 12, 2014, the Board voted to revoke Juan Carlos Ruiz's Teacher of Elementary School and Principal Certificates of Eligibility and his Teacher of Elementary School and Principal certificates. On this 23rd day of January 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ruiz's certificates be effective immediately. It is further ORDERED that Ruiz 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