

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ERROL J. GOODWATER : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-217

At its meeting of June 21, 2012, the State Board of Examiners (Board) reviewed a decision forwarded by the Acting Commissioner of Education (Commissioner) that had dismissed Errol J. Goodwater from his tenured position with the School District of the City of Camden (Camden). *In the Matter of the Tenure Hearing of Errol J. Goodwater and Errol J. Goodwater v. Board of Education of the City of Camden*, Docket Nos. 185-7/11 & 187-7/11 (Consolidated) (Acting Commissioner's Decision, April 27, 2012). Goodwater currently holds a Teacher of the Handicapped certificate, issued in May 1998 and a Principal Certificate of Eligibility, issued in January 2004.

This case originated when Camden certified tenure charges against Goodwater alleging unbecoming conduct, neglect of duty and insubordination. Camden alleged that Goodwater had struck a student on the back with a computer cord, failed to take the student to the nurse after observing the student's back, used inappropriate language toward his students and failed to properly aid the investigation of the incident.

After the case was transmitted to the Office of Administrative Law (OAL) for hearing, Administrative Law Judge (ALJ) Donald J. Stein heard testimony on December 6, 19 and 20, 2011. After receiving post-hearing submissions, the record closed on March 6, 2012 and the ALJ issued an Initial Decision on March 16, 2012. *In the Matter of the Tenure Hearing of Errol J. Goodwater and Errol J. Goodwater v. Board of Education of the City of Camden*, OAL Docket Nos. EDU 8377-11 and 9196-11 (Initial Decision, March 16, 2012).

In that decision, ALJ Stein found that the security video of the incident clearly shows Goodwater striking student R.R. on the back with a computer power cord as R.R. ran past him. *Id.* at 13. The ALJ also found that, contrary to Goodwater's assertion, he was not acting in self defense when he struck R.R. nor did he hit R.R. accidentally. *Id.* at 13-14. Judge Stein also noted that Goodwater did believe that R.R. was aggressive and violent but that Goodwater "overreacted and made a bad decision." *Id.* at 14.

After assessing the evidence and the testimony, ALJ Stein concluded that "no evidence has been submitted to support the charges of insubordination or neglect of duty." *Id.* at 16. Thus, the ALJ stated that the "remaining issue to be determined is whether a single, isolated incident in which respondent, a tenured special education teacher, who made a split second decision to hit a student with a cord whom he believed to be dangerous warrants his dismissal and loss of tenure." *Id.* at 17. ALJ Stein concluded that Goodwater's conduct, while unbecoming a teacher, "was not sufficiently flagrant to demonstrate respondent's unfitness as a teacher or to warrant his dismissal." *Id.* at 20. The ALJ determined that since Goodwater had been suspended since November 2007, that suspension and the withholding of his increments would be a sufficient penalty. *Ibid.*

In a decision dated April 27, 2012, the Acting Commissioner of Education (Commissioner) concurred with the ALJ's conclusion that Goodwater's actions in striking the student constituted unbecoming conduct. (Acting Commissioner's Decision, slip op. at 3). The Commissioner also agreed with the ALJ's findings that Camden had not proven the other charges against Goodwater. (Acting Commissioner's Decision, slip op. at 4). The Commissioner disagreed with the ALJ's penalty of a suspension from 2007 and the withholding of Goodwater's increments and instead concluded that Goodwater's actions warranted his removal from his

tenured employment in Camden. (Acting Commissioner’s Decision, slip op. at 4-6). The Commissioner noted that Goodwater “intentionally swung the computer cord and forcibly struck R.R.-leaving him crying, with a raised welt on his back that was still noticeable the next day.” (Acting Commissioner’s Decision, slip op. at 5). Accordingly, the Commissioner ordered Goodwater’s removal from his tenured position in Camden and transmitted the matter to the Board for appropriate action regarding Goodwater’s certificates. (Acting Commissioner’s Decision, slip op. at 6).

Thereafter, on July 26, 2012, the Board issued Goodwater an Order to Show Cause as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Goodwater the Order to Show Cause by regular and certified mail on August 2, 2012. The Order provided that Goodwater’s Answer was due within 30 days. Goodwater filed a response on August 17, 2012.

In that Answer, Goodwater admitted that tenure charges were certified against him, but denied the allegations of unbecoming conduct. (Answer, ¶3). He stated that the Commissioner’s decision “speaks for itself” and denied that he had been dismissed from his tenured position as he had “timely perfected an appeal to the Superior Court Appellate Division from the Commissioner’s Decision...” (Answer, ¶5). Goodwater also requested that the Board’s proceedings be stayed until disposition of the appeal. (Answer, ¶5). Goodwater’s request was granted and the matter was placed into abeyance. On August 20, 2014, the Appellate Division ruled that “we discern no legal basis to interfere with the Commissioner’s well-reasoned decision, which is thoroughly supported by the evidence presented before the ALJ.” *In the Matter of the Tenure Hearing of Errol Goodwater and Errol Goodwater v. Board of Education*

of the City of Camden, Dkt. No. A-4909-11T4 (App. Div. August 20, 2014) (Unreported). The Court also found it “highly disturbing” and “appalling” that Goodwater characterized his students as ‘murderers, attempted murderers [and] ...gang members’ and that he referred to ‘working in the hood’ as an explanation for why his use of corporal punishment against R.R. was an acceptable means of maintaining discipline. *Id.* at 12. The Court therefore concluded that “we are thus satisfied that appellant’s actions here are not an aberration; they are in fact merely reflective of his utter unfitness to be responsible for our children’s educational and physical welfare.” *Ibid.*

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.7(e), on September 23, 2014, the Board sent Goodwater a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Goodwater was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his certificates 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 Goodwater’s offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Goodwater 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. Goodwater did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Goodwater’s conduct constitutes conduct unbecoming a certificate holder. At its meeting of January 23, 2015, the Board considered the allegations in the Order to Show Cause as well as Goodwater’s

Answer. The Board determined that no material facts related to Goodwater's offense were in dispute since he did not deny that he had engaged in the conduct as determined by Judge Stein in the tenure proceedings. 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 Goodwater's conduct as set forth in the Order to Show Cause, represents 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*. As the ALJ noted and the Commissioner and Appellate Division agreed, Camden sustained its charges of unbecoming conduct against Goodwater. The video evidence against Goodwater was compelling and clear. There can be no dispute that Goodwater's conduct amply demonstrated his unfitness to continue in his tenured position. Furthermore, it is well settled that unfitness to teach 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). In this instance, despite his long and unblemished teaching record, Goodwater's unprovoked, violent outburst against a student is so egregious that the Board determines that the only appropriate response to Goodwater's unbecoming conduct is the revocation of his certificates.

Accordingly, on January 23, 2015, the Board voted to revoke Errol J. Goodwater's Principal Certificate of Eligibility and his Teacher of the Handicapped certificate. On this 12th day of March 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Goodwater's certificates be effective immediately. It is further

ORDERED that Goodwater 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

RRH/MZ/th

Date of mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.