

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN N. NORTON : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-207

At its meeting of July 15, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding John N. Norton. In January 2014 Norton was convicted of Possession of CDS and Manufacture/Distribute CDS. The CHRU notified the Board that, as a result of the conviction, Norton was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Norton currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in June 2004, a Teacher of the Handicapped certificate, issued in June 2004, a Supervisor certificate, issued in August 2008, a Principal Certificate of Eligibility, issued in August 2008, a Teacher of Elementary School certificate, issued in November 2008 and a Principal certificate, issued in February 2013.

Norton 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 July 24, 2014 to issue Norton an Order to Show Cause why his certificates should not be revoked.

The Board sent Norton the Order to Show Cause by regular and certified mail on July 29, 2014. The Order provided that Norton must file an Answer within 30 days. Both the certified and regular mail copies were returned as "Not Deliverable as Addressed." After securing a new address for Norton, the Board re-sent the Order to Show Cause to him by regular and certified mail on August 14, 2014. Norton responded on September 9, 2014. In his Answer, Norton

stated he was “without sufficient information to admit or deny” ever being convicted of the crimes alleged in the Order to Show Cause. (Answer, ¶ 3). He acknowledged never providing any information about his criminal history to the Commissioner. (Answer, ¶ 5). In his Affirmative Defenses, Norton stated that he suffered from anxiety, depression and addiction to alcohol and other substances. (Affirmative Defenses, ¶¶ 1, 2). He also admitted to pleading guilty to charges of unlawful possession of controlled dangerous substances in Superior Court in Hunterdon and Somerset Counties. (Affirmative Defenses, ¶ 3). Norton asserted that, although his criminal conduct demonstrated poor judgment, it resulted from his illnesses. (Affirmative Defenses, ¶ 6). He added that his behavior did not directly impact his performance of his duties as an educator and administrator. (Affirmative Defenses, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on September 18, 2014, the Board sent Norton a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Norton 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. Norton was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Norton requested and received an extension of time in which to file his response. He submitted a Hearing Response on December 26, 2014.

In his Hearing Response, Norton recounted his arrests and guilty pleas for Possession of a CDS. (Hearing Response, pp. 1-2). Norton stated that he was sentenced to five years of special probation in Drug Court and had completed outpatient treatment for drugs. (Hearing Response, p. 2). He added that he attended AA meetings three times a week and had been sober for one year. (Hearing Response, pp. 2-3). Norton also noted that he had attended all weekly, mandatory Drug Court sessions and undergone random urine testing without violation. (Hearing Response, p. 3). Norton maintained that his unlawful behavior arose from his addiction illness, for which he had been and was continuing to be treated. (Hearing Response, pp. 3-4). Accordingly, he asserted that his certificates should not be revoked as his criminal behavior did not occur on school property and did not involve students or other children. (Hearing Response, p. 4). While Norton acknowledged that his criminal conduct was serious he contended that revocation was not warranted because his behavior stemmed from his addiction and he had demonstrated significant progress in rehabilitation. (Hearing Response, p. 5). Moreover, Norton stated that his employment character reference letters demonstrated that his “aberrant behavior did not impact upon [my] work as an assistant principal...” (Hearing Response, p. 6). In addition to his Hearing Response, Norton requested to appear before the Board.

In testimony before the Board, Norton talked about his educational career and how his increasing job responsibilities led him to develop stress, anxiety and depression. He stated that he went on anti-depressants and Xanax for anxiety, which made him groggy in the mornings. As a result, his anxiety increased because he feared not being able to complete all of his work. Norton then started taking speed and methamphetamine and quickly became addicted. He noted that he was in denial about how out of control he was or that he was addicted. Norton also testified about his arrest, going to jail and the requirements of Drug Court. He added that he was

in the third of four phases in completing his probation and testified that he never possessed, used or sold drugs on school property or expose students to drugs. Norton stated that he went into education to help kids and hoped that his grave personal mistake did not negate the positives he had contributed during his ten-year career. He asked that the Board consider an alternative to revoking his certificates, perhaps a suspension instead so that he had the potential to work in education again.

One of Norton's former colleagues also testified as to how competent he was as an educator and how other teachers trusted him and relied on him. She added that she never knew Norton was under the influence and that she never had concerns regarding him fulfilling his job responsibilities.

The threshold issue before the Board in this matter is whether Norton's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of April 17, 2015, the Board considered the allegations in the Order to Show Cause as well as Norton's Answer, Hearing Response and testimony. The Board determined that no material facts related to Norton's offense were in dispute since he never denied that he had been convicted of the offense charged and been subsequently disqualified. 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 Norton'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 crimes such as Possession of CDS and Manufacture/Distribute CDS 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. Although Norton argues that he never exposed students to drugs, it is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were 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). In this case, Norton has a conviction for crimes involving the possession and distribution of drugs. 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).

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, Norton's conviction for Possession of CDS and Manufacture/Distribute CDS 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 Norton's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on April 17, 2015, the Board voted to revoke John N. Norton's Teacher of Elementary School Certificate of Eligibility With Advanced Standing, his Principal Certificate of Eligibility and his Teacher of the Handicapped, Supervisor, Teacher of Elementary School and Principal certificates. On this 21st day of May 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Norton's certificates be effective immediately. It is further ORDERED that Norton 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 the provisions of *N.J.S.A.* 18A:6-38.4.