

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
STEPHEN W. SWEIGART : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-175

At its meeting of March 12, 2015, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Stephen W. Sweigart. On October 3, 1980, Sweigart was convicted of Terroristic Threats-U.S. President. On October 29, 1982, Sweigart was convicted of Aggravated Assault and sentenced to five years' probation. The CHRU notified the Board that, as a result of his convictions, Sweigart was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Sweigart currently holds a Teacher of English certificate, issued in October 1974.

Sweigart 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 April 17, 2015 to issue Sweigart an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Sweigart the Order to Show Cause by regular and certified mail on April 22, 2015. The Order provided that Sweigart must file an Answer within 30 days. Sweigart filed an Answer on April 29, 2015. Since that Answer contained only a general denial of the charge and did not specifically address the allegations in the Order to Show Cause, on June 9, 2015, the Board sent Sweigart a letter providing him the opportunity to file a revised Answer to the Order to Show Cause. Sweigart did not file a revised Answer or respond to the notice.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on September 14, 2015, the Board sent Sweigart a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Sweigart 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 certificate. 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 certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Sweigart 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. Once again, Sweigart did not respond.

The threshold issue before the Board in this matter is whether Sweigart's convictions and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Sweigart failed to respond specifically to the Order to Show Cause or the hearing notice, at its meeting of December 10, 2015, the Board considered only the allegations in the Order to Show Cause and his non-responsive Answer. The Board determined that no material facts related to Sweigart's offense were in dispute since he never denied that he had been convicted of the offenses charged and been subsequently disqualified. 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. *N.J.A.C. 6A:9B-4.7(c)*.

The Board must now determine whether Sweigart's convictions and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.5*. 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 Terroristic Threats and Aggravated Assault 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, Sweigart's multiple convictions demonstrate 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 Sweigart's offenses so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on December 10, 2015, the Board voted to revoke Stephen W. Sweigart's Teacher of English certificate. On this 21st day of January 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Stephen Sweigart's certificate be effective immediately. It is further ORDERED that Sweigart return his certificate

to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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.