

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
HILDA SANTOS : ORDER OF REVOCATION
_____ : DOCKET NO: 1516-120

At its meeting of September 17, 2015, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Hilda Santos. In 1992 Santos was convicted of Aggravated Arson-Danger of Bodily Injury. The CHRU notified the Board that, as a result of her conviction, Santos was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Santos currently holds Teacher of Bookkeeping and Accounting, Teacher of Data Processing, Teacher of General Business Studies and Teacher of Typewriting Certificates of Eligibility With Advanced Standing, all issued in February 2005.

Santos did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of October 30, 2015 to issue Santos an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Santos the Order to Show Cause by regular and certified mail on November 4, 2015. The Order provided that Santos must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Santos did not file a response. Thereafter, on December 9, 2015, the Board sent Santos another notice by certified and regular mail providing her 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. Santos did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 11, 2016, the Board sent Santos a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Santos 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 her

certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Santos was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail copy nor the regular mail copy was returned. Once again, Santos did not respond.

The threshold issue before the Board in this matter is whether Santos' conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Santos failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of April 14, 2016, the Board considered only the allegations in the Order to Show Cause and the information received from the CHRU. The Board concluded that no material facts related to Santos' offense were in dispute since she never denied that she engaged in the conduct alleged and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Santos had engaged in unbecoming conduct.

The Board must now determine whether Santos' conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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 Aggravated Arson-Danger of Bodily Injury fall squarely within 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, Santos' conviction 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 herself out as a teacher. Thus, because the Legislature and the Commissioner consider Santos' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on April 14, 2016, the Board voted to revoke Hilda Santos' Teacher of Bookkeeping and Accounting, Teacher of Data Processing, Teacher of General Business Studies and Teacher of Typewriting Certificates of Eligibility With Advanced Standing. On this 20th day of May 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Hilda Santos' certificates be effective immediately. It is further ORDERED that Santos return her certificates 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.