

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
CHONG-HWA CHANG : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1516-213

At its meeting of December 9, 2016, the State Board of Examiners (Board) reviewed information received from the Mercer County Prosecutor's Office and the Criminal History Review Unit (CHRU) regarding Chong-Hwa Chang, a teacher at a school in a New Jersey Correctional Institution. In January 2016 Chang was charged with Criminal Sexual Contact in the 4<sup>th</sup> degree after allegedly having numerous sexual encounters with an inmate. On August 25, 2016, Chang was accepted into a Pretrial Intervention program (PTI) for 36 months. She also signed a Consent Order in which she agreed to forfeit her public employment pursuant to *N.J.S.A. 2C:51-2(b)*. Chang currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility, issued in September 2005 and a Teacher of Elementary School in Grades K-5 certificate, issued in June 2008. Upon review of the above information, the Board voted at its meeting of January 19, 2017 to issue Chang an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Chang the Order to Show Cause by regular and certified mail on January 24, 2017. The Order provided that Chang must file an Answer within 30 days. Chang filed an Answer on March 20, 2017.

In her Answer, Chang noted that she pled Not Guilty to Criminal Sexual Contact and signed a Waiver of Indictment so she never went to trial or was indicted for the charge. (Answer, ¶ 3). She admitted to being accepted into PTI and to forfeiting her public employment. (Answer, ¶ 4). Chang argued that her certificates should not be revoked because the alleged incident was outside the classroom setting, the inmate was not a student in the school and the

alleged charge had nothing to do with her role as a teacher. (Answer, ¶ 6). Chang added that the Prosecutor allowed her to retain her teaching certificates and consented to her forfeiting her public employment, which she had done. (Answer, ¶ 6). Chang asked the Board to consider “all the hardships I have had to endure” and allow her to retain her certificates. (Answer, ¶ 6).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 1, 2017, the Board sent Chang a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Chang 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. Chang was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Chang did not file a response.

The threshold issue before the Board in this matter is whether Chang’s conduct constitutes conduct unbecoming a certificate holder. At its meeting of November 1, 2017, the Board considered the allegations in the Order to Show Cause as well as Chang’s Answer. The Board determined that no material facts related to Chang’s offense were in dispute since she did not deny that she had engaged in the conduct alleged in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Chang’s conduct, as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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-4.4. “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.

Chang argues that she should retain her certificates since the incident occurred off school grounds. 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).

Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher’s whole life is subject to scrutiny, not just his/her actions within the schoolhouse doors:

[R]espondent’s argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school property. *See In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County*, 1965 *S.L.D.* 159, *aff’d*, State Board of Education 1970 *S.L.D.* 448; *In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County*, 1971 *S.L.D.* 623.

[*In the Matter of the Tenure Hearing of Robert H, Beam*, 1973 S.L.D. 157, 163.] Chang therefore cannot exclude her “out-of-school” behavior from this tribunal’s examination.

Furthermore, 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, Chang’s actions in having numerous sexual encounters with an inmate while she taught in a correctional institution demonstrates behavior that falls far short of the role model status expected of teachers. The Board therefore concludes that the appropriate response to Chang’s breach is the revocation of her certificates.

Accordingly, on November 1, 2017, the Board voted to revoke Chong-Hwa Chang’s Teacher of Elementary School in Grades K-5 Certificate of Eligibility and her Teacher of Elementary School in Grades K-5 certificate. On this 8th day of December 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Chong-Hwa Chang’s certificates be effective immediately. It is further ORDERED that Chang 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.

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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.