

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN HACKNEY : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-119

At its meeting of November 1, 2016, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) had provided regarding John Hackney. On January 27, 2016, the Education Practices Commission (EPC) of the State of Florida issued a Final Order which permanently revoked Hackney's certificate and permanently barred him from applying for another Florida educator's certificate. The Final Order was issued after Hackney was convicted in Georgia in January 2015 on two counts of Child Molestation. Hackney currently holds a Teacher of Elementary School certificate, issued in August 1985 and a Teacher of the Handicapped certificate, issued in August 1987. Upon review of the above information, at its December 9, 2016 meeting, the Board voted to issue Hackney an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Hackney the Order to Show Cause by regular and certified mail on or about December 15, 2016. The Order provided that Hackney had 30 days to respond. Both the certified mail and the regular mail copies were returned as 'Unclaimed, Unable to Forward.' After securing a new address for Hackney, the Board re-sent the Order to Show Cause on February 2, 2017. Neither the certified mail nor the regular mail copy was returned. Hackney did not file a response.

Thereafter, on March 9, 2017, the Board sent Hackney another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Refused" and the regular mail copy was not returned. Hackney did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 12, 2017, the Board sent Hackney 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 his failure to file an Answer. Thus, Hackney was offered an opportunity to submit written arguments on the issue of whether the conduct as set forth 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 found just cause to take action against his certificates. Hackney was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was returned as “Unclaimed” and the regular mail copy was not returned. Once again, Hackney did not respond.

The threshold issue before the Board in this matter is whether Hackney’s conduct and conviction constitute conduct unbecoming a certificate holder or other just cause. Since Hackney 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 July 27, 2017, the Board considered only the allegations in the Order to Show Cause and the information provided by NASDTEC. The Board concluded that no material facts related to Hackney’s offense were in dispute since he never denied that he engaged in the conduct alleged or was convicted and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(h)*. After reviewing the allegations, the Board found that Hackney had engaged in unbecoming conduct.

The Board must now determine whether Hackney’s conviction and the revocation of his Florida certificate, as set forth in the Order to Show Cause, provide just cause to act against his New Jersey certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

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. 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 matter, Hackney has a conviction for offenses against children. That conviction, as well as the

revocation of his Florida certificate and his permanent bar from teaching there, leaves no doubt that he is unfit to be a teacher. His conduct demonstrates behavior that falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Hackney's New Jersey teaching certificates.

Accordingly, on July 27, 2017, the Board voted to revoke John Hackney's Teacher of Elementary School and Teacher of the Handicapped certificated. On this 15th day of September 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Hackney's certificates be effective immediately. It is further ORDERED that Hackney return his 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:

Via certified and regular mail

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