

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
FRANCISCO PLANAS-BORGSTROM : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-169

At its meeting of January 19, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) regarding Francisco Planas-Borgstrom. The OCHR notified the Board that Planas-Borgstrom pled guilty in September 2011 to Official Misconduct-Unauthorized Act after having been charged originally with four counts of Sexual Assault-Supervisory and one count of Official Misconduct-Unauthorized Act. He was sentenced to three years' imprisonment and ordered to forfeit his public office. As a result of the conviction, Planas-Borgstrom was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Planas-Borgstrom currently holds a Teacher of Music certificate, issued in September 2002.

Planas-Borgstrom 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 March 1, 2012 to issue Planas-Borgstrom an Order to Show Cause why his certificate should not be revoked.

The Board sent Planas-Borgstrom the Order to Show Cause by regular and certified mail on March 7, 2012. The Order provided that Planas-Borgstrom must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Planas-Borgstrom did not file a response. Thereafter, on April 12, 2012, the Board sent Planas-Borgstrom another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Planas-Borgstrom did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 8, 2012, the Board sent Planas-Borgstrom a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Planas-Borgstrom 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. Planas-Borgstrom 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, Planas-Borgstrom did not respond.

The threshold issue before the Board in this matter is whether Planas-Borgstrom's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Planas-Borgstrom failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 26, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Planas-Borgstrom's offense were in dispute since he never denied that he had been convicted of the offense charged. 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 Planas-Borgstrom's conviction 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: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 to them. Individuals convicted of a crime such as Official Misconduct-Unauthorized Act fall squarely within this category. This strong legislative policy statement is 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. Clearly, Planas-Borgstrom’s actions here are not those of a role model. The court obviously agreed as it sentenced him to a lengthy prison term and ordered him to forfeit his public office.

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 considers Planas-Borgstrom’s offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Planas-Borgstrom’s certificate.

Accordingly, on July 26, 2012, the Board voted to revoke Francisco Planas-Borgstrom’s Teacher of Music certificate. On this 21st day of September 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Francisco Planas-Borgstrom’s certificate be effective immediately. It is further ORDERED that Planas-Borgstrom return his certificate 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

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.