

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
OBAWTAYE FOLAYAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1213-146

At its meeting of January 25, 2013, the State Board of Examiners (Board) reviewed information it had received from the Camden County Prosecutor's Office (CCPO) and the Office of Criminal History Review (OCHR) indicating that on October 22, 2012, Obawtaye Folayan pled guilty to Simple Assault after having been indicted on charges of Criminal Sexual Contact, Aggravated Sexual Assault with Bodily Injury and Threatening to Kill. Folayan was sentenced to one year of probation. Folayan currently holds a Teacher of Elementary School Certificate of Eligibility, issued in July 1993, a Teacher of Elementary School certificate, issued in August 1994, a Principal Certificate of Eligibility, issued in November 2002 and a Principal certificate, issued in June 2004. The Board voted to issue Folayan an Order to Show Cause at its meeting of February 28, 2013.

The Board sent Folayan the Order to Show Cause by regular and certified mail on March 4, 2013. The Order provided that Folayan must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Folayan did not file a response. Thereafter, on April 10, 2013, the Board sent Folayan 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 "Unclaimed." The regular mail copy was not returned. Folayan did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 17, 2013, the Board sent Folayan a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Folayan 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 determined to take action against his certificates. It also explained that upon review of the charges against him and the legal

arguments tendered in his defense, the Board would determine if Folayan's conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Folayan 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, Folayan did not file a response.

The threshold issue before the Board in this matter is whether Folayan's conviction constitutes conduct unbecoming a certificate holder. Since Folayan failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of September 20, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Folayan's offense were in dispute since he never denied that he had been convicted of the offense charged and sentenced accordingly. 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 Folayan's conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. 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:9-17.5*. "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. Folayan's act of Simple Assault is inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of Simple Assault cannot claim status as a role model to anyone. The Board therefore believes that the only appropriate sanction in this case is the revocation of Folayan's certificates. *In the*

*Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on September 20, 2013, the Board voted to revoke Folayan's Teacher of Elementary School and Principal Certificates of Eligibility and his Teacher of Elementary School and Principal certificates. On this 1st day of November 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Obawtaye Folayan's certificates be effective immediately. It is further ORDERED that Folayan return his certificates 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.

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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.

RRH:MZ:th