

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
TYLER VAN PELT : ORDER OF SUSPENSION
_____ : DOCKET NO: 1516-105

At its meeting of December 10, 2015, the State Board of Examiners (Board) reviewed a tenure decision regarding Tyler Van Pelt, a tenured teacher in Edison Township (Edison). Pursuant to *N.J.S.A.* 18A:6-16, the tenure matter captioned *In the Matter of the Tenure Charges Against Tyler Van Pelt*, Dkt. No. 362-12/14 (Arbitrator’s Decision, June 30, 2015), was referred to the Board by the Arbitrator the Department of Education had assigned to hear the case.

The Edison Township School District (Edison) had certified tenure charges of unbecoming conduct, insubordination and other just cause against Van Pelt, alleging that he had engaged in inappropriate conduct with other staff members during a training session in the district. The district also alleged that Van Pelt had failed to pay attention during the professional training, masturbated in or around district property, violated district policies, including those against sexual harassment and conducted union activity during instructional time.¹

Specifically, Edison alleged that, on October 23, 2014, while attending a voluntary Engrade Chromebook training at district board offices, Van Pelt initiated and engaged in a discussion through a public chat room in the district’s network. The conversation, which lasted approximately two and a half hours, was discriminatory and offensive, full of sexual innuendo and ultimately created a hostile work environment. The group chat was visible to all who were present at the training and was accessible to all Edison employees and students. During the conversation, Van Pelt made inappropriate comments about the Engrade trainer, including, “I’d like to invite her to a private backchannel discussion...all night long,” and “I’d like to tag her.” He also made inappropriate comments about special education students, including using the terms “bobo” and “short bus kids.” Van Pelt also made inappropriate comments

¹ Originally, Edison had brought eight tenure charges against Van Pelt, but only the ones that were proven in the tenure hearing were the subject of the Order to Show Cause.

about another teacher present at the training, including using the notation “dsl” to refer to her.² He also made inappropriate comments directed at other employees in the training and made inappropriate and offensive remarks between him and his fellow conversation participants. Edison also charged that because of his initiation and participation in the inappropriate discussion during training, Van Pelt failed to pay attention or make any effort to benefit from the instruction provided.

Van Pelt also left the training for a period of time, presumably to masturbate within the confines of Board property, a fact he told his “conversation group” when he returned, noting that he “had to get the baby batter off the brain.” He also admitted to masturbating in or around school property on at least one other occasion and admitted to that fact during an Affirmative Action investigation.

Edison also alleged that, by engaging in his chat, Van Pelt violated several district policies including those pertaining to: Sexual Harassment, Affirmative Action, the Code of Ethics, Inappropriate Staff Conduct, Healthy Workplace Environment and Acceptable Use of Computer Networks/Computers and District Resources by Teaching Staff Members.

Edison also charged Van Pelt with violating the Collective Bargaining Agreement because he conducted Union business during instructional time on several different occasions.

In his Decision (which is incorporated herein by reference), the Arbitrator concluded that Edison had proven all of the tenure allegations it had brought against Van Pelt that were the subject of the Order to Show Cause. (Arbitrator’s Decision, slip op. at 97). The Arbitrator found that while Van Pelt expressed some remorse for his actions, “it is apparent that these expressions lack sincerity and his remorse [i]s for having been discovered for having engaged in very serious misconduct.” *Id.* at 149.

The Arbitrator found that Van Pelt was in his current situation because of his own actions in that he initiated the chat and “played a major role in setting its tone.” *Ibid.* According to the Arbitrator, Van Pelt violated valid and rational district policies and, instead of admitting his own culpability, tried to hold others responsible. *Ibid.* The Arbitrator also found that, given his prior discipline, Van Pelt should have known that “employers are entitled to have employees who act in a professional, appropriate and mature

² “DSL” is slang for the phrase “dick sucking lips.”

manner.” *Id.* at 149-150. The Arbitrator noted that were Van Pelt to be reinstated, it was very likely that he would repeat the kind of misconduct at issue in the tenure proceeding. *Id.* at 145, 150.

Having determined that Van Pelt engaged in unbecoming conduct as alleged by Edison, the Arbitrator concluded that Van Pelt should be discharged from his tenured position. *Id.* at 150. Van Pelt was dismissed from his tenured employment with Edison as a result of the unbecoming conduct proven in the tenure proceeding. *Ibid.* The Arbitrator transmitted the matter to the Board for its review.

Van Pelt currently holds a Teacher of English Certificate of Eligibility, issued in September 1999, a Teacher of Elementary School Certificate of Eligibility, issued in June 2000, a Teacher of Elementary School certificate, issued in March 2002 and a Teacher of English certificate, issued in November 2003. After reviewing the above information, at its January 21, 2016 meeting, the Board voted to issue an Order to Show Cause to Van Pelt as to why his certificates should not be revoked.

The Board sent Van Pelt the Order to Show Cause by regular and certified mail on January 25, 2016. The Order provided that Van Pelt must file an Answer within 30 days. Neither the certified mail copy nor the regular mail copy was returned. Van Pelt did not file a response. On March 4, 2016, the Board sent Van Pelt another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Both the certified mail copy and the regular mail copy were returned as “Not Deliverable as Addressed.” Van Pelt did not respond. After securing a new address for Van Pelt, the Board re-sent the Order to Show Cause by regular and certified mail on March 24, 2016. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Van Pelt did not file a response.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on April 21, 2016, the Board sent Van Pelt 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, Van Pelt 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

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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Van Pelt 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. Once again, Van Pelt did not respond.

The threshold issue before the Board in this matter is whether Van Pelt’s conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Van Pelt 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 September 16, 2016, the Board considered only the allegations in the Order to Show Cause. The Board concluded that no material facts related to Van Pelt’s offense were in dispute since he never denied that he had engaged in the alleged conduct. Thus, the Board 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 Van Pelt had engaged in unbecoming conduct.

The Board must now determine whether Van Pelt’s conduct, as set forth in the Order to Show Cause, provides just cause to act against his 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. 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 case, Van Pelt’s actions in initiating a chat room conversation that denigrated other teachers, insulted special education students and made inappropriate references to the individual conducting the training

seminar constitute conduct that indicates a severe lapse in judgment. Moreover, in addition to conducting Union business during instructional time, his admitted behavior in masturbating on school property demonstrates that he has fallen far short of being a role model for students. The Board therefore concludes that a lengthy suspension is the appropriate response to his breach.

Accordingly, on September 16, 2016, the Board voted to suspend Tyler Van Pelt's Teacher of English and Teacher of Elementary School Certificates of Eligibility and his Teacher of English and Teacher of Elementary School certificates for a period of five years, effective immediately. On this 1st day of November 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Van Pelt's certificates be effective immediately. It is further ORDERED that Van Pelt 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 *N.J.S.A.* 18A:6-38.4.