

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MATTHEW T. STELLA : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-160

At its meeting of April 6, 2017, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Matthew T. Stella. In October 2015, Stella was charged with Distribution of CDS, Possession of Drug Paraphernalia, CDS Possession on School Grounds and Distribution of Heroin/Cocaine. In November 2015, Stella was admitted into a Pretrial Intervention (PTI) program for one year. On August 31, 2016, during the term of the PTI, Stella was arrested and charged with Possession of CDS. Thereafter, Stella was found guilty of Possession of CDS following his violation of the PTI agreement. The CHRU notified the Board that, as a result of this conviction, Stella was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Stella currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in February 2009.

Stella 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 May 12, 2017 to issue Stella an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Stella the Order to Show Cause by regular and certified mail on May 17, 2017. The certified mail receipt was signed and returned and the regular mail copy was not returned. Stella did not file a response. On June 30, 2017, the Board sent Stella 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. Stella did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on July 26, 2017, the Board sent Stella 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, Stella 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 offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Stella 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, Stella did not respond.

The threshold issue before the Board in this matter is whether Stella's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Stella 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 November 1, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from the CHRU. The Board concluded that no material facts related to Stella's offenses were in dispute since he never denied that he engaged in the conduct alleged and therefore

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 Stella had engaged in unbecoming conduct.

The Board must now determine whether Stella'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:9B-4.4*. 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. Individuals convicted of crimes such as Possession of a CDS fall squarely within this category. The strong legislative policy statement is also 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. 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 instance, Stella's conviction and his violation of the PTI agreement demonstrate behavior that falls far short of a role model.

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 and the Commissioner consider Stella's offenses

so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on November 1, 2017, the Board voted to revoke Matthew T. Stella's Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing. 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 Stella's certificate be effective immediately. It is further ORDERED that Stella return his certificate 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:

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