

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
CODY J. HOLODY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1516-162

At its meeting of May 20, 2016, the State Board of Examiners (Board) reviewed information the Clifton School District (Clifton) and the Department of Children and Families, Institutional Abuse Investigation Unit (IAIU) had provided regarding Cody J. Holody. Holody was terminated from his position in Clifton for “performance issues.” Prior to his termination, the IAIU had investigated allegations that Holody was involved in an inappropriate relationship with a student, “A”. The IAIU determined that allegations of neglect/substantial risk of physical injury/environment injurious to health and welfare against Holody were “unfounded.”

Although the IAIU’s investigation found the allegations unfounded under its statutory standards, it did receive copies of photographs taken by the school’s security cameras depicting Holody and “A” alone in the band room/band office area for three to three and a half hours on three consecutive days prior to her graduation in June 2015. The photographs also show that Holody entered the band room wearing dress pants and a shirt and tie and exited several hours later in shorts and a tee shirt. “A” was in the band room/band office area the entire time. One of the photographs also shows Holody and “A” sitting in her parked car for several minutes. In November 2014 the school principal gave Holody written and verbal warnings not to spend time alone with “A” or any other student after students complained that Holody favored “A” and was too friendly with her.

Holody currently holds a Teacher of Music Certificate of Eligibility With Advanced Standing, issued in July 2010 and a Teacher of Music certificate, issued in September 2011. Upon review of the above information, the Board voted at its meeting of June 23, 2016 to issue Holody an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Holody the Order to Show Cause by regular and certified mail on June 28, 2016. The Order provided that Holody must file an Answer within 30 days. Both the certified mail and regular mail copies were returned as "Attempted-Not Known." After securing a new address for Holody, the Board re-sent the Order by regular and certified mail on July 22, 2016. Holody filed an Answer on August 23, 2016 and because there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Subsequently, on March 3, 2017, the Board received notice that the OAL had returned the matter because Holody failed to appear for his scheduled hearing on February 13 2017. On April 6, 2017, the Board voted to retain the matter.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 3, 2017, the Board sent Holody a hearing notice by regular and certified mail. Holody 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. Holody 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. Holody did not file a response to the hearing notice.

The threshold issue before the Board in this matter is whether Holody's conduct constitutes conduct unbecoming a certificate holder. Since Holody failed to appear at his OAL hearing, at its meeting of July 27, 2017, the Board considered only the allegations in the Order to Show Cause and deemed them to be admitted. *N.J.A.C. 6A:9B-4.6(c)*. Thus, since no material facts related to Holody's offense were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Holody's conduct, as set forth in the Order to Show Cause, represents 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. In this matter, Holody engaged in conduct that was suspicious at best, spending an inordinate amount of time with a student alone and appearing in different attire at the end of his time with her in the classroom alone. Moreover, after filing an Answer, he never attempted to defend his actions, even though provided the opportunity for a full hearing. Since the allegations in the Order to Show Cause must be deemed admitted, the Board therefore concludes that the only appropriate response to Holody’s breach is the revocation of his certificates.

Accordingly, on July 27, 2017, the Board voted to revoke Cody J. Holody’s Teacher of Music Certificate of Eligibility With Advanced Standing and his Teacher of Music certificate. 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 Holody’s certificates be effective immediately. It is further ORDERED that Holody 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.

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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*.