

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CLINTON OGDEN : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-111

At its meeting of September 15, 2017, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) had forwarded regarding Clinton Ogden. NASDTEC provided notice that on January 23, 2017, the Education Practices Commission of the State of Florida entered into a settlement agreement with Ogden in which he agreed to accept a letter of reprimand in his certification file. Ogden neither admitted nor denied the conduct in which he was to have allegedly engaged. The Final Order was issued after allegations arose that Ogden inappropriately disciplined a fourth grade student by grabbing him by the shirt and dragging him to the front of a line where Ogden yelled at him and told him that if he did not behave Ogden would choke him the next time.

Ogden currently holds a Teacher of Health and Physical Education certificate. Upon review of the above information, at its November 1, 2017 meeting, the Board voted to issue Ogden an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Ogden the Order to Show Cause by regular and certified mail on November 2, 2017. The Order provided that Ogden had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Ogden did not respond. On December 11, 2017, the Board sent Ogden 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" and the regular mail copy was not returned. Ogden did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 2, 2018, the Board sent Ogden 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, Ogden 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 Ogden's offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Ogden 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, Ogden did not file a response.

The threshold issue before the Board in this matter is whether Ogden's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Ogden 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 April 13, 2018, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC. The Board concluded that no material facts related to Ogden's offense were in dispute since he never denied that he engaged in the conduct alleged. 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 Ogden had engaged in unbecoming conduct.

The Board must now determine whether Ogden's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate 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). Ogden's

actions in grabbing a fourth grade student by his shirt, dragging him to the front of a line and threatening to choke him next time is clearly conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificate.

Accordingly, on April 13, 2018, the Board voted to revoke Clinton Ogden's Teacher of Health and Physical Education certificate, effective immediately. On this 24th day of May 2018 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ogden's certificate be effective immediately. It is further ORDERED that Ogden 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

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*.