

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PEDRO P. RODRIGUEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-129

At its meeting of May 24, 2018, the State Board of Examiners (Board) reviewed information the New Jersey Superior Court-Passaic County Vicinage and the Passaic County Prosecutor's Office had forwarded regarding Pedro P. Rodriguez. On November 17, 2017, Rodriguez received an Order of Postponement and entered a Pre-Trial Intervention program for a period of six months after being charged with Sexual Assault and three counts of Endangering the Welfare of a Child. Rodriguez had allegedly inappropriately touched a 10-year-old student on her thigh and vagina over her clothes while he was acting as a substitute teacher in her music class. Rodriguez allegedly touched the child while she was leaning over a desk to input a music selection into the computer. Two additional students witnessed the incident. The Department of Children and Families, Institutional Abuse Investigation Unit (IAIU) also substantiated findings of Sexual Abuse/Sexual Molestation arising out of the incident.

Rodriguez currently holds a Teacher of Preschool through Grade 3 Certificate of Eligibility and a Teacher of Preschool through Grade 3 certificate. Upon review of the above information, at its June 29, 2018 meeting, the Board voted to issue Rodriguez an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Rodriguez the Order to Show Cause by regular and certified mail on July 3, 2018. The Order provided that Rodriguez had 30 days to respond. Both the certified and regular mail copies were returned as "Vacant-Unable to Forward." As a result, the Board published notification of the Order to Show Cause on August 3, 2018. Rodriguez did not respond. Thereafter, on October 10, 2018, the Board published another notice providing Rodriguez an additional 15 days to respond to the Order to Show Cause. Once again, Rodriguez did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 8, 2019, the Board published a Hearing Notice requiring Rodriguez's response within 30 days and providing him with the opportunity to file a

written submission on the issue of whether his conduct provided just cause for the Board to take action against his certificates and, if so, the appropriate sanction. Rodriguez did not respond.

The threshold issue before the Board in this matter is whether Rodriguez's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Rodriguez 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 12, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the Superior Court and the Prosecutor's Office. The Board concluded that no material facts related to Rodriguez'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 Rodriguez had engaged in unbecoming conduct.

The Board must now determine whether Rodriguez'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). Rodriguez's charges of Sexual Assault and Endangering the Welfare of a Child clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificates.

Accordingly, on April 12, 2019, the Board voted to revoke Pedro P. Rodriguez's Teacher of Preschool through Grade 3 Certificate of Eligibility and his Teacher of Preschool through Grade 3

certificate. On this 17th day of May 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Rodriguez's certificates are hereby revoked, effective immediately. It is further ORDERED that Rodriguez 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 publication date of this decision.

Rani Singh, Acting Secretary
State Board of Examiners

Date of Publication: _____

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