

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
MICHAEL I. LEVITT : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1819-126

At its meeting of December 17, 2018, the State Board of Examiners (Board) reviewed information regarding Michael I. Levitt. In July 2017, Levitt was indicted on multiple charges of 2<sup>nd</sup> degree Sexual Assault, 1<sup>st</sup> degree Aggravated Sexual Assault, 3<sup>rd</sup> degree Aggravated Criminal Sexual Contact, 2<sup>nd</sup> degree Endangering the Welfare of a Child and 4<sup>th</sup> degree Sexual Contact. On January 10, 2018, Levitt pled guilty to one count of 2<sup>nd</sup> degree Sexual Assault. According to the Indictment, Levitt had been sexually assaulting the victim for five years since she was 12 years old. On May 25, 2018, Levitt was sentenced to six years in New Jersey State Prison, parole supervision for life and registry under Megan's Law. He was also ordered to pay fees and penalties. The Office of Student Protection (OSP) notified the Board that, as a result of his conviction, Levitt was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Levitt currently holds substitute credential, expiring in January 2020.

Levitt 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 January 24, 2019 to issue Levitt an Order to Show Cause as to why his credential should not be revoked.

The Board sent Levitt the Order to Show Cause by regular and certified mail on January 29, 2019. The Order provided that Levitt had 30 days to respond. Levitt responded and requested an extension of time to Answer because he had not completed his appeal. By letter dated March 21, 2019, the Board granted Levitt an extension until June 3, 2019. Levitt did not file an answer by June 3, 2019 nor did he contact the Board to seek additional extension(s). Accordingly,

pursuant to *N.J.A.C.* 6A:9B-4.6(e), on June 12, 2019, the Board sent Levitt 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, Levitt 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. Levitt was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was received, and the regular mail copy was not returned. Once again, Levitt did not file a response.

The threshold issue before the Board in this matter is whether Levitt's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Levitt 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 19, 2019, the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to Levitt's offenses were in dispute since he never denied that he had engaged in the conduct alleged and had been convicted 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 Levitt engaged in unbecoming conduct.

The Board must now determine whether Levitt's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential 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 were not proper examples for them. Individuals convicted of crimes such as Sexual Assault 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, Levitt's conviction for Sexual Assault (2<sup>nd</sup> degree) demonstrates 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 Levitt's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on September 19, 2019, the Board voted to revoke Michael I. Levitt's substitute credential. On this 1<sup>st</sup> day of November 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Levitt's credential be effective immediately. It is further ORDERED that Levitt return his credential 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.

---

Rani Singh, Secretary  
State Board of Examiners

**Date of Mailing:**  
**By 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.