

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
JAMES J. SAVAGE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1819-131

At its meeting of December 17, 2018, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP), formerly the Criminal History Review Unit (CHRU), provided regarding James J. Savage. On August 6, 2018, Savage pled guilty to Unlawful Possession of a Weapon-Handgun without a Permit (2nd degree). On September 21, 2018, he was sentenced to one year of non-custodial probation. The OSP notified the Board that, as a result of his conviction, Savage was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Savage currently holds a Substitute Credential, which expires in January 2023.

Savage 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 Savage an Order to Show Cause as to why his credential should not be revoked.

The Board sent Savage the Order to Show Cause by regular and certified mail on January 29, 2019. The Order provided that Savage had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Savage did not file a response.

Thereafter, on March 7, 2019, the Board sent Savage another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail was returned as “Unclaimed” and the regular mail copy was not returned. Savage did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 23, 2019, the Board sent Savage 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, Savage 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 credential. 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 credential. Thereupon, the Board would also determine the appropriate sanction, if any. Savage was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was returned as “Unclaimed” and the regular mail copy was not returned. Once again, Savage did not file a response.

The threshold issue before the Board in this matter is whether Savage’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Savage 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 August 1, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the OSP. The Board concluded that no material facts related to Savage’s offense were in dispute since he never denied that he engaged in the conduct alleged and was convicted and disqualified. The Board 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 Savage had engaged in unbecoming conduct.

The Board must now determine whether Savage’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 to be a danger. Individuals convicted of crimes such as Unlawful Possession of a Weapon-Handgun without a Permit 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, Savage's conviction for Unlawful Possession of a Weapon-Handgun without a Permit 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 Savage's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on August 1, 2019, the Board voted to revoke James J. Savage's Substitute Credential. On this 19th day of September 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that Savage's credential be revoked, effective immediately. It is further ORDERED that Savage 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.

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Rani Singh, Acting 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.