

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ALEXANDER GONZALEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-184

At its meeting of April 3, 2020, the State Board of Examiners (Board) reviewed information it received from the National Association of State Directors of Teacher Education and Certification and the Florida Education Practices Commission (Florida) regarding Alexander Gonzalez (Gonzalez). On May 16, 2019, Florida issued Gonzalez a letter of reprimand after Gonzalez engaged in inappropriate conduct when he closed a laptop computer on the hand of a sixth-grade student, upsetting her.

Specifically, in Gonzalez’s Spanish class a student was inputting grades into a computer and another student tried to help. Gonzalez yelled no and walked towards the student and slammed the computer on her hand. The student was scared and started crying. Gonzalez took the student outside the classroom and told her “not to let people touch his computer or he would do it again.”

Florida’s investigation revealed that another student witnessed Gonzalez pull a student’s hair and hit him in the rib cage with an open hand. Gonzalez then allegedly said to the class, “I can’t touch these white people.” Florida’s investigation also revealed that in May 2017, Gonzalez was engaged in a verbal altercation with four 7th grade students as the class was exiting the classroom. Gonzalez allegedly hit a student in the head with the door as he pulled it shut. He was issued a verbal reprimand for that conduct.

Gonzalez currently holds a Teacher of Spanish Certificate of Eligibility and a standard Teacher of Spanish certificate. Upon review of the above information, the Board voted at its meeting of June 26, 2020 to issue Gonzalez an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Gonzalez the Order to Show Cause by regular and certified mail on January 13, 2021. The Order provided that Gonzalez must file an Answer within 30 days. Gonzalez filed an Answer on or about February 4, 2021.

Based upon what was submitted in the Answer, there appeared to be material facts in dispute. Accordingly, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a

contested case. On September 3, 2021, the Administrative Law Judge assigned to the case returned it to the Board after Gonzalez failed to appear for a scheduled hearing. Pursuant to *N.J.A.C.* 1:1-3.3, the ALJ provided Gonzalez with 13 days to submit an explanation for his nonappearance. Gonzalez did not submit an explanation or otherwise respond to that notice. At its meeting of October 28, 2021, the Board voted not to retransmit the matter to OAL.

On October 29, 2021, the Board sent Gonzalez a notice by regular and certified mail providing him an additional 15 days to respond before his Answer would be stricken from the record and the allegations in the Order to Show Cause would be deemed admitted. Gonzalez did not respond to this notice.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on December 2, 2021, the Board sent Gonzalez a hearing notice by regular and certified mail. Gonzalez 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. Gonzalez was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was marked via the USPS online tracking system as delivered and left with an individual, and the regular mail copy was not returned. Gonzalez did not respond.

The threshold issue before the Board in this matter is whether Gonzalez's conduct in slamming a laptop closed on the hand of a student and pushing another student while making racial comments constitutes conduct unbecoming a certificate holder or other just cause. Since Gonzalez did not appear at his hearing, and his Answer was subsequently stricken from the record, at its meeting of March 4, 2022, the Board considered only the allegations in the Order to Show Cause. Moreover, since Gonzalez is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Thus, since no material facts related to Gonzalez's conduct is in dispute, 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 Gonzalez engaged in unbecoming conduct.

The Board must now determine whether Gonzalez'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 they do.

The Commissioner's long-standing belief is 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, Gonzalez's conduct of slamming a laptop closed on the hand of a student and pushing another student while making racial comments falls far short of a role model. Accordingly, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on March 4, 2022, the Board voted to revoke Alexander Gonzalez's Teacher of Spanish Certificate of Eligibility and standard Teacher of Spanish certificate. On this 7th day of April 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Gonzalez's certificates shall be effective immediately. It is further ORDERED that Gonzalez 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.

Rani Singh, Secretary
State Board of Examiners

RS/KAG/cf

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*.