

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JESSE LERCH : ORDER OF SUSPENSION
_____ : DOCKET NO: 2021-175

At its meeting of June 25, 2021, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification provided to the New Jersey State Board of Examiners (Board) regarding Jesse Lerch. On February 14, 2020 Trident Technical College Public Safety responded to a report of someone sleeping in a restroom on campus. It was discovered that Lerch was in one of the stalls, unconscious and his breathing was labored. Upon search, responding officers found methamphetamine. As a result of this conduct, South Carolina suspended Lerch for a period of one (1) year.

Lerch currently holds a Teacher of Visual Arts Certificate of Eligibility, Teacher of Art Certificate of Eligibility, and a Teacher of Art and Teacher of Visual Arts certificate. Upon review of the above information, at its July 30, 2021 meeting, the Board voted to issue Lerch an Order to Show Cause as to why his certificates should not be suspended.

The Board sent Lerch the Order to Show Cause by regular and certified mail on August 5, 2021. The Order provided that Lerch had 30 days to respond. The certified mail receipt was marked “unclaimed” per the USPS online tracking system, and the regular mail copy was not returned. Lerch did not respond. Thereafter, on November 17, 2021, the Board sent another notice providing Lerch an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed for as received, and the regular mail copy was not returned. Once again, Lerch did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on December 15, 2021, the Board sent Lerch 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 because of his failure to file an Answer. Thus, Lerch 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 Lerch's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Lerch was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed for as received, and the regular mail copy was returned. Once again, Lerch did not file a response.

The threshold issue before the Board in this matter is whether Lerch's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Lerch 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 March 4, 2022, 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 Lerch'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 Lerch had engaged in unbecoming conduct.

The Board must now determine whether Lerch'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). Lerch's actions of being found unconscious with labored breathing and having methamphetamine in his possession clearly

demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the suspension of his certificates.

Accordingly, on March 4, 2022, the Board voted to suspend for two (2) years Jesse Lerch's Teacher of Visual Arts Certificate of Eligibility, Teacher of Art Certificate of Eligibility, and Teacher of Art and Teacher of Visual Arts certificate. On this 7th day of April 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that Lerch's certificates are hereby suspended for two (2) years, effective immediately. It is further ORDERED that Lerch 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

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.