

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
THOMAS A. ROLSTON : ORDER OF SUSPENSION
_____ : DOCKET NO: 2021-127

At its meeting of January 22, 2021, the State Board of Examiners (Board) reviewed a tenure decision regarding Thomas A. Rolston (Rolston), a tenured teacher in the Ocean County Technical School District (Ocean County). Ocean County certified tenure charges against Rolston for allegedly making several comments to other faculty members and in front of students that he intended to “burn the building” and “go down in a blaze of glory.” Ocean County also alleged that he threatened an administrator by indicating that he was going to “cut the head off the snake.”

Pursuant to *N.J.S.A.* 18A:6-16, the Arbitrator assigned by the Department of Education to hear the case, referred to the Board the tenure matter captioned *In the Matter of the Tenure Charges Against Thomas A. Rolston*, Dkt. No. 87-4/20 (Arbitrator’s Decision, December 4, 2020). The arbitration decision is incorporated herein by reference.

Generally, in the Tenure Charges and Statement of Evidence, which are incorporated herein by reference, Ocean County alleged that on April 10, 2019, Rolston entered a class and became loud and disruptive in front of students. Upon being confronted regarding his conduct by the principal, Rolston attempted to confront his colleagues while they were still teaching a class. When prevented from doing so, Rolston yelled statements such as “the fat fuck” and the “old bag” should not be teaching.

Ocean County also alleged that on April 11, 2019, Rolston told a colleague, within earshot of students, that he was going to bring down the administrator. According to the record, he stated “I’m going to shoot the head off of snake” while making a shooting finger gesture with his hands. The same colleague also heard Rolston state “what the fuck do I have to lose?” About 30 minutes later, Rolston stated to another

colleague that he “will burn down this building.” When Rolston pressured another colleague to tell him who reported his conduct, Rolston responded aggressively, and stated that he would take this place down with him, “go out in a blaze of glory,” and “burn this place to the ground.” As a result of these allegations, Rolston was placed on administrative leave and not permitted to return to school grounds. The threats were reported to law enforcement and Rolston was recommended for a full psychiatric evaluation.

On August 20, 2019, Rolston reported for a psychological examination with Dr. Brett Prince. Testing was in the form of an objective Psychological Examination. Dr. Prince concluded that the test results are inconsistent with a return to work for the district and that the test findings do not represent work-related impairments and are pre-existing.

In his Decision, the Arbitrator found that Rolston’s confrontations with his principal were “serious acts, as was his meltdown in [a colleague’s] classroom.” *See* Arbitration Decision at p. 32. Accordingly, Charges I and II of unbecoming conduct and other just cause were sustained. Based upon the findings, the Arbitrator found that Rolston should be dismissed from employment.

Rolston currently holds a Teacher of English Certificate of Eligibility and a standard Teacher of English certificate. After reviewing the above information, at its February 26, 2021 meeting, the Board voted to issue an Order to Show Cause to Rolston as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Rolston the Order to Show Cause by regular and certified mail on March 3, 2021. The Order provided that Rolston’s Answer was due within 30 days. Rolston filed his Answer on April 1, 2021.

In that Answer, Rolston admitted that he was the subject of tenure charges but denies the allegations contained therein. *See* Answer at p. 2,4,5. Rolston disagreed with and denied the Arbitrator’s conclusions and stated that the award spoke for itself. *See* Answer at p.7.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on April 29, 2021 the Board sent Rolston a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Rolston was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his certificates as well as arguments with regard to the appropriate sanction in the event that the Board determined 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 Rolston's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Rolston was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Rolston filed a written response on June 29, 2021. Rolston also asked to appear before the Board.

In his Hearing Response, Rolston argued that removal from his tenured teaching position was sanction enough, especially in light of his long and successful teaching career. *See* Hearing Submission at p. 1, 5-7. Rolston further argued that the actions that led to his removal were discrete in scope and nature and took place during a difficult period in his life. *Id.* at p. 2, 8-9. Rolston also argued that the Arbitrator did not find that he was incapacitated from performing his duties as a teacher. *Id.* at p. 2, 9-11. Finally, Rolston argued that in the event Board finds just cause to take action against his certificates, the appropriate sanction would be a suspension. *Id.* at p. 14-18.

In testimony before the Board, Rolston's attorney, Edward Cridge, stated that Rolston is animated when working with students, and this personality contributed to the issue before the Board, but also made him a good educator. Counsel indicated that Rolston was having some personal and/or health issues at the time the conduct occurred. He stated that Rolston did not mean harm to anyone and also rejected the incapacity charge. Counsel asked that the examiners review the arbitrator's decision and the record. The Board should recognize Rolston's work with students and assess no further penalty.

Rolston made a statement to the Board. He indicated that the district attempts to paint him as someone who goes on a rant in front of students. He says it took nearly a year to bring the tenure charges during which time people drove past his home. He was also offered a disability pension. He indicates that he is sorry for the language he used, but the arbitrator's decision shows that he was never a threat to students. Finally, he stated that he learned his lesson and asked the Board to allow him to move forward.

The threshold issue before the Board in this matter, therefore, is whether Rolston's conduct constitutes conduct unbecoming a certificate holder. At its meeting of October 28, 2021, the Board considered the allegations in the Order to Show Cause as well as Rolston's Answer, Hearing Response, and testimony. The Board determined that it was constrained by collateral estoppel to accept the facts as found in the tenure hearing and therefore no material facts related to Rolston's offense were in dispute. *See In the Matter of the Certificates of Richard Barnes-Bey*, Dkt. No. 1314-194 (Bd. Of Examiners September 17, 2015) (Collateral estoppel applies to facts established in a prior tenure hearing for Board revocation proceedings). Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Rolston's conduct, as set forth in the Order to Show Cause and proven in the tenure hearing, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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*. In this case the Arbitration Decision establishes that Rolston's actions were "most certainly unbecoming of a public employee who has substantial obligations to his students and their parents." *See Arbitration Decision at p. 26*.

Nevertheless, there is no record of previous discipline for similar conduct, or other inappropriate conduct in his employment history with Ocean County. Accordingly, the Board does not believe that

revocation is appropriate. Rather, in light of the above, the Board finds that the appropriate penalty is a one-year suspension of his educator certificates.

Accordingly, on October 28, 2021, the Board voted to suspend Thomas A. Rolston's Teacher of English Certificate of Eligibility and a standard Teacher of English certificate for a period of one year. On this 21st day of January 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that Rolston's certificates are hereby suspended for one year, effective immediately. It is further ORDERED that Rolston 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/SMN/cf

Date of Mailing:
via certified and regular mail

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