

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
IAN M. KULIS : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-181

At its meeting of July 30, 2021, the State Board of Examiners (Board) reviewed information the Gloucester County Prosecutor's Office and the Office of Student Protection (OSP) provided regarding Ian M. Kulis. On April 9, 2021, Kulis was convicted of Resisting Arrest/Eluding after Instruction to Stop (3rd degree). On June 25, 2021 he was sentenced to probation for three (3) years, along with mental health and drug/alcohol abuse evaluations, fees, and penalties. The OSP notified the Board that, as a result of his conviction, Kulis is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Kulis currently holds a Substitute Credential that expires January, 2022¹.

Kulis 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 July 30, 2021 to issue Kulis an Order to Show Cause as to why his credential should not be revoked.

The Board sent Kulis the Order to Show Cause by regular and certified mail on September 22, 2021. The Order provided that Kulis had 30 days to respond. The certified mail receipt indicates delivery/receipt, and the regular mail copy was not returned. Kulis did not file a response.

Thereafter, on November 10, 2021, the Board sent Kulis another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt indicates delivery/receipt, and the regular mail copy was not returned. Kulis did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on December 2, 2021, the Board sent Kulis 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, Kulis was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show

¹ The Board voted at its January 21, 2022 meeting to revoke Kulis' credential. The written form of Decision on this action was adopted in March 2022, after the credential expired.

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. Kulis was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt indicates delivery/receipt, and the regular mail copy was not returned. Once again, Kulis did not file a response.

The threshold issue before the Board in this matter is whether Kulis' conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Kulis 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 January 21, 2022, the Board considered only the allegations in the Order to Show Cause and the information received from the OSP and the Gloucester County Prosecutor's Office. The Board concluded that no material facts related to Kulis' offense 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 Kulis engaged in unbecoming conduct.

The Board must now determine whether Kulis' 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 a crime such as Resisting Arrest/Eluding 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, Kulis' conviction for Resisting Arrest/Eluding (3rd 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 Kulis' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on January 21, 2022, the Board voted to revoke Ian M. Kulis' Substitute Credential. On this 4th day of March 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that Kulis' credential is revoked, effective immediately. It is further ORDERED that Kulis 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:
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.