

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JORGE O. COLON : ORDER OF REVOCATION
_____ : DOCKET NO: 2122-125

At its meeting of December 16, 2021, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Florida Education Practices Commission (Florida) forwarded regarding Jorge O. Colon.

Colon surrendered his Florida certificate(s) for permanent revocation on October 5, 2021, following allegations that he communicated with an individual he believed to be a student at his school on a dating website. The communications included, but are not limited to, sexually suggestive conversation over the dating website as well as suggestion that the student skip class to meet up with him.

In New Jersey, Colon currently holds a Teacher of Elementary Grades K through 6 Certificate, issued in February 2017, and a Teacher of World Languages: Spanish Certificate, issued September 2019. Upon review of the above information, at its January 21, 2022 meeting, the Board voted to issue Colon an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Colon the Order to Show Cause by regular and certified mail on January 25, 2022. The Order provided that Colon had 30 days to respond. The certified mail copy was signed for and the regular mail copy was not returned. Colon did not file a response. Thereafter, a second notice was sent on March 23, 2022. Again, the certified mail copy was signed for and the regular mail copy was not returned. Colon did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 18, 2022, the Board sent Colon 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, Colon 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 Colon's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Colon was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned, and the regular mail copy was not returned. Once again, Colon did not file a response.

The threshold issue before the Board in this matter is whether Colon's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Colon 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 September 16, 2022, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and Florida. The Board concluded that no material facts related to Colon's offense were in dispute since he never denied that he engaged in the conduct alleged. 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 Colon engaged in unbecoming conduct.

The Board must now determine whether Colon'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). Colon's actions in communicating with a student on a dating website and engaging in sexually suggestive conversation with a student is clearly conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificates.

Accordingly, on September 16, 2022, the Board voted to revoke Jorge O. Colon's Teacher of Elementary School in Grades K-6 certificate and Teacher of Spanish certificate. On this 28th day of October 2022 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Colon's certificates be effective immediately. It is further ORDERED that Colon 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.