

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
BRANDON E. LIGHTEN : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 2021-125

At its meeting of January 22, 2021, the State Board of Examiners (Board) reviewed information it received from the National Association of State Directors of Teacher Education and Certification and the South Carolina State Board of Education (South Carolina) regarding Brandon E. Lighten. On June 9, 2020, South Carolina suspended Lighten for two (2) years after he allegedly falsified physical examination forms.

On November 5, 2019, the Richland County School District One (District) placed Lighten on administrative leave after he allegedly misrepresented to the District by falsifying information on the Pre-participation Physical Examination forms. The examination forms permitted students to participate in interscholastic sports without consent of their parent and/or legal guardian. Documents from South Carolina indicate that Lighten forged doctor's signatures on the physical examination forms, thus clearing students to participate. Lighten submitted a written statement wherein he admitted to the falsification. The District terminated him on December 11, 2019.

Lighten currently holds a Teacher of Biological Sciences certificate. After reviewing the above information, at its February 26, 2021 meeting, the Board voted to issue an Order to Show Cause (OSC) to Lighten as to why his certificates should not be revoked.

The Board sent Lighten the OSC by regular and certified mail on March 3, 2021. The OSC provided that Lighten must file an Answer within 30 days. Lighten responded on March 20, 2021. In his Answer, Lighten denied knowledge that his license was suspended in South Carolina at the

time he applied for certification in New Jersey. *See Answer at ¶ 3*. He further stated that he did not falsify documents or act like a doctor or nurse. *Id.* at ¶ 4. He admitted that he signed the parent signature portion of a packet that two students brought to him so they could cheerlead. *Id.* He further indicated that although his conduct was a lapse in judgment, he does not believe his license should be suspended or revoked. *Id.* at ¶ 5.

Since there were material facts in dispute, on April 13, 2022, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On February 9, 2023, Administrative Law Judge (ALJ) Matthew G. Miller issued an Initial Decision in the case. *In the Matter of the Certificates of Brandon E. Lighten*, Dkt. No. EDE 03604-21 (Initial Decision, February 9, 2023).

After reviewing the record, ALJ Miller granted the Board's motion for summary decision and ordered that Lighten's educator certificates be suspended for 30 months from the date of the decision (through August 9, 2025). (Initial Decision, slip op. at 17.) ALJ Miller found that Lighten did not submit opposition to the Motion and did not provide specifics. There is a "semi-denial" in his answer but Lighten failed to "counter the assertion that he committed an act that was unbecoming a teacher and that such behavior warrants the revocation his teaching certificate." *Id.* at p. 9-10.

During oral argument on the Motion, Lighten focused on the penalty and candidly admitted to conduct unbecoming, conceding that his behavior warranted a suspension, but arguing that revocation was unwarranted. *Id.* Accordingly, ALJ Miller determined that Lighten has "raised no legitimate legal or factual dispute to counter petitioner's evidence that his conduct in this case was

unbecoming a teacher...” *Id.* at p. 12. The Board’s Motion was granted and ALJ Miller determined that Lighten engaged in unbecoming conduct. *Id.*

After reviewing numerous cases involving forgery and dishonesty by teachers, ALJ Miller determined that revocation was not warranted in this case. *Id.* at p. 13-14. He found that the “overriding factor in coming to this determination is that no evidence has been produced that indicates that his actions were self-interested.” *Id.* at p. 14-15. ALJ Miller stated that in many of the fraud cases, the actions were motivated by a benefit to the educator. In this matter, “there was no apparent benefit to Mr. Lighten in completing the permission slips.” *Id.* at p. 15. Considering the totality of the matter, ALJ Miller determined that a suspension of 30 months is appropriate. *Id.* at p. 16.

The Deputy Attorney General (DAG or Deputy) representing the Board filed Exceptions. Lighten did not file Exceptions or Reply to Exceptions.

In the Exceptions, the DAG argues that ALJ Miller’s determination that Lighten’s behavior does not warrant revocation is error. *See* Exceptions at p. 5. Lighten’s lack of self-interest is not relevant to determining the penalty in this matter. *Id.* at p. 12. Instead, the penalty should be related to the conduct and Lighten’s past performance as a teacher. *Id.* Further, the penalty should be related to the harm/impact the educator’s conduct had on the “maintenance of discipline and the proper administration of the school system.” *Id.* at p. 13 (citing *In Re Grossman*, 127 N.J. Super. 13, 30 (App. Div.), *cert. denied*, 65 N.J. 292 (1974)).

In this case, Lighten’s conduct directly impacted the administration of the school as his conduct resulted in circumventing proper procedure for students to obtain clearance to participate in sports activities. *Id.* at p. 13. Due to this impact, Lighten’s conduct warrants revocation.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of April 13, 2023, the Board reviewed the Initial Decision and the Exceptions. After full and fair consideration of the Decision and Exceptions, the Board voted to adopt the Initial Decision without modification of the penalty.

“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. As noted above, after reviewing the record, ALJ Miller concluded that summary decision was appropriate in this case as material facts were not in dispute since Lighten did not oppose the Motion and during oral argument conceded the conduct.

The record unequivocally established that Lighten falsified parent signatures on student permission forms. The conduct is certainly unbecoming of a teacher and the result could have had serious impacts to student health and safety. Nevertheless, the Board agrees with the ALJ in this matter that this case is distinguishable from the numerous other fraud cases wherein the Board revoked educator certificates. Lighten made a serious error in judgment. His motivations were not personal, but rather a misguided attempt to assist students. His failure to recognize the serious potential impact of his actions warrants a lengthy suspension of his educator certificate. The Board agrees with the ALJ and believes that the appropriate penalty in this matter is the suspension of his certificate.

Accordingly, on April 13, 2023, the Board voted to adopt the Initial Decision and ordered a 30-month suspension of Lighten’s certificate. On this 18<sup>th</sup> day of May 2023, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore

ORDERED that Brandon E. Lighten's Teacher of Biological Sciences certificate is hereby SUSPENDED for a period of 30 months, effective on February 9, 2023. It is further ordered that Lighten return his certificate 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.