

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOSHUA D. VALVANO : ORDER OF REVOCATION
_____ : DOCKET NO: 2122-165

At its meeting of May 19, 2022, the State Board of Examiners (Board) reviewed information regarding Joshua D. Valvano. The Office of Student Protection (OSP) provided information to the State Board of Examiners (Board) regarding Valvano. On or about September 25, 2020, Valvano was sentenced by the Superior Court of Arizona, County of Maricopa, to imprisonment for 20 calendar years after a jury found him guilty of Sexual Conduct with a Minor, Attempt to Commit Sexual Conduct with a Minor, and Continuous Sexual Abuse-Child. The OSP notified the Board that as a result of his conviction, Valvano is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Valvano holds a Teacher of Social Studies Certificate of Eligibility with Advanced Standing, issued June 2007, and a standard Teacher of Social Studies certificate, issued June 2008.

Valvano 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 June 30, 2022 to issue Valvano an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Valvano the Order to Show Cause by regular and certified mail on July 5, 2022. The Order provided that Valvano had 30 days to respond. The certified mail card was signed and returned, and the regular mail was not returned. Valvano did not respond.

Thereafter, on September 22, 2022, the Board sent Valvano another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The

certified mail copy was signed and returned, and the regular mail was not returned. Valvano did not file a response.

Accordingly, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on December 19, 2022, the Board sent Valvano 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, Valvano 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Valvano was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was signed and returned, and the regular mail was not returned. Once again, Valvano did not file a response.

The threshold issue before the Board in this matter is whether Valvano's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Valvano 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 3, 2023, the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to Valvano's offense were in dispute since he never denied that he 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 Valvano engaged in unbecoming conduct.

The Board must now determine whether Valvano's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate 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 were not proper examples for them. Individuals convicted of crimes such as Sexual Conduct with a Minor, Attempt to Commit Sexual Conduct with a Minor, and Continuous Sexual Abuse- Child 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, Valvano's conviction for Sexual Conduct with a Minor, Attempt to Commit Sexual Conduct with a Minor, and Continuous Sexual Abuse- Child 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 Valvano's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on March 3, 2023, the Board voted to revoke Joshua D. Valvano's Teacher of Social Studies Certificate of Eligibility with Advanced Standing, and a Teacher of Social Studies certificate. On this 13th day of April 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Valvano's certificates be effective immediately. It is further ORDERED that Valvano 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:
By 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.