

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JOSEPH J. BRAUSAM : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 2223-121

At its meeting of December 9, 2022, the State Board of Examiners (Board) reviewed information received from the Upper Freehold Regional School District, regarding Joseph J. Brausam (Brausam).

Brausam held the position of Assistant to the Marching Band Director at Allentown Highschool, which is part of the Upper Freehold Regional School District. This position was in addition to Brausam's employment as a music teacher with the Lacy Township School District whereat Brausam was employed full time for approximately nine years. On or about June 3, 2021, Upper Freehold Regional School District removed and terminated Brausam from his position as Assistant to the Marching Band Director at Allentown High School for unbecoming conduct, as the district had become aware that Brausam had engaged in voluminous text message communications with students who were members of the marching band. During a meeting with Upper Freehold Regional School District's Superintendent of Schools, Mark Guterl, Brausam admitted that his actions were "wrong" and that he had "let everyone down."

Brausam currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing issued in July of 2011 and a Teacher of Music Certificate issued in December 2013. Upon review of the above information, at its December 9, 2022 meeting, the Board voted to issue Brausam an Order to Show Cause as to why his certificates should not be suspended.

The Board sent Brausam the Order to Show Cause by regular and certified mail on December 14, 2022. Brausam filed an Answer on or about February 15, 2023.

In that Answer, Brausam admits that he was removed from his position as Assistant Band Director at Allentown High School after being accused of unbecoming. Brausam asserts that this position was an extra-curricular position paid via a \$3,657.00 stipend and it was not a certificated position. He also states

that he was not a part-time or full-time employee of the Upper Freehold Regional School District, and that he has never been terminated or disciplined from any certificated teaching position. Additionally, in the Answer Brausam admits that he had engaged in voluminous text messages with members of the marching band while they were students at Allentown High School. Further, in the Answer Brausam admitted to meeting with Upper Freehold's Superintendent of Schools, Mark Guterl, whereat he admitted that his actions were "wrong" and that he "let everyone down." Brausam asserts that he acknowledged his mistake in allowing himself to have contact with members of the marching band and how this let everyone down. Brausam notes that he was already disciplined by his full-time employer, Lacy Township School District and that his certificated position with said district should be considered.

Based upon the answer, there are no material facts in dispute as Brausam admits the conduct. Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 17, 2023 the Board sent Brausam a hearing notice by regular and certified mail. The notice explained that there were no material facts in dispute. Thus, Brausam 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 Brausam's conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Brausam was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Brausam filed a brief and supporting documentation in support of his position that he should not have any actions taken against his certificates, and he appeared before the Board on August 4, 2023.

The hearing submission argues that no action should be taken by the Board regarding Brausam's certificates due to the fact that Brausam was not terminated from his certificated position as a result of the conduct. He argues that on June 8, 2021, the Superintendent of Lacey Township School District called a

meeting whereat he had union representation. During this meeting, the Lacey Township School District Superintendent outlined the District's Critical Policy 3283 regarding electronic communications and provided him a copy. Brausam asserts that he was made aware of the consequences of any breach of said policy would result in consequences and at that time, Brausam's employment was note being terminated. Brausam argues that this discipline was handled in a professional manner and that barring any future unprofessional the issue was at a close. As such, Brausam argues that the Board pursuing any action against his certificates is unwarranted and an unnecessary escalation.

The hearing submission also argues that Brausam's performance as an educator has been professional and distinguished. Brausam asserts that he was a well liked music teacher for the Lacy Township School District. He notes that he has been employed there for nine years as of June 30, 2023 and that he has been an educator for close to eleven years. Brausam further notes that he has received positive observations and that he has received awards and recognitions for his conduct at the district. Brausam asserts that he is well regarded by administrators, colleagues, students, and parents. Brausam argues that these observations, his awards and accolades, and his conduct since his dismissal by Upper Freehold Regional School District should be considered by the Board when deciding whether or not to take action against his certificates. Copies of his observations and letters of character are provided with the hearing submission.

The hearing submission further argues that Brausam's position at Upper Freehold Regional School District at Allentown High School was "extra curricular" and that it was not his certificated position. Brausam argues that he was only employed under an extracurricular contract with no benefits or protections that a certificated staff member would have. Brausam notes that he was not afforded union representation, was not eligible for benefits, and the position did not pay into the pension fund. Brausam argues that the suspension of his certificates would impact his pension. Brausam points out that he did not have union representation at the meeting with the district's administration because he was not a member of the union.

The hearing submission lastly argues that Brausam currently faces non-renewal at Lacey Township School District due to budgetary constraints and that actions against his certificate would adversely affect his employment. Brausam argues that a suspension would make it difficult to seek new employment in a new school district. Brausam notes that any action against his certificate would also be counterproductive to Lacey Township School District in the event that they intend to resume his employment, as it would force them to permanently end their relationship with Brausam, which was something that the district specifically chose not to do. As such, Brausam requests that the Board not take any action against his certificates at this time.

The hearing was scheduled for the Board's meeting on August 4, 2023. Brausam appeared and reiterated much of what was in his submissions. He did not deny the conduct, but rather provided information to mitigate the penalty.

The threshold issue before the Board in this matter is whether Brausam's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of September 21, 2023, the Board considered the allegations in the Order to Show Cause as well as Brausam's Hearing Submission and testimony. The Board determined that no material facts related to Brausam's offense were in dispute since he admitted that he engaged in the alleged conduct. 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 Brausam'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*. Educators must be held to a particularly "high standard of conduct because of the influence they exercise over the students." *State Bd. of Exam'rs v. Charlton*, 96 N.J.A.R. 2d (EDE) 18, 21; see also

In re Tyler, 13 N.J.A.R. 297, 308. 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. “That school authorities have the right and the duty to screen the officials, teachers, and employees as to their fitness to maintain the integrity of the schools as part of ordered society, cannot be doubted.” *In re Grossman*, 127 N.J. Super. 13, 30 (App. Div. 1974) (citation omitted). 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).

Brausam’s voluminous private text message conversations with marching band members who were students at Allentown High School constitutes conduct unbecoming a teacher as it clearly indicates a serious lapse in judgment and the lack of necessary self-restraint and controlled behavior expected in an educator. However, given Brausam’s presentation of mitigation, specifically his acknowledgement of responsibility, his passion and dedication for teaching, the fact that this was his first disciplinary action, and that he has maintained an exemplary record prior to this incident, the Board concludes that the appropriate response to his breach is a one-year suspension of his certificates.

Accordingly, on September 21, 2023, the Board voted to suspend Joseph J. Brausam’s Teacher of Music Certificate of Eligibility with Advanced Standing and a Teacher of Music Certificate for a period of one year. On this 27th day of October 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that Brausam’s certificates are hereby suspended for a period of one year, effective immediately. It is further ORDERED that Brausam 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.

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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.