

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NICHOLAS L. BROZINA : ORDER OF REVOCATION
_____ : DOCKET NO: 2223-145

Nicholas L. Brozina (Brozina) currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing, issued April 2015; a Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing, issued August 2015; a Teacher of Students with Disabilities Certificate of Eligibility with Advanced Standing, issued August 2015; a standard Teacher of Elementary Grades K-6 certificate, issued August 2017; a standard Teacher of Students with Disabilities certificate, issued August 2017; and a Principal Certificate of Eligibility, issued February 2021.

The State Board of Examiners (Board) reviewed information received from the Cumberland County Prosecutor's Office and the Office of Student Protection (OSP) regarding Brozina. On January 11, 2023, Brozina was indicted on one count of Endangering the Welfare of a Child – Possession of Child Pornography (3rd degree), one count of Endangering the Welfare of a Child – Photograph of Child (2nd degree), one count of Endangering the Welfare of a Child – Sexual Conduct (2nd degree), and Invasion of Privacy (4th degree). The indictment alleged that Brozina knowingly photographed/filmed a child in a sexual act. As such, he would be disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* if convicted. Upon review of the above information, the Board voted at its meeting of April 13, 2023 to issue Brozina an Order to Show Cause as to why his certificates should not be suspended pending the outcome of the criminal proceedings against him.

The Board sent Brozina the Order to Show Cause by regular and certified mail on April 17, 2023. The Order provided that Bridgers had 30 days to respond. The certified mail copy was delivered and the regular mail copy was not returned. Brozina did not file a response.

On April 24, 2023, Brozina pled guilty to a charge of Endangering-Sexual Conduct. On April 26, 2023, OSP notified the Board that as a result of his conviction, Brozina is disqualified from employment with any school or institution under the supervision of the Department of Education. Furthermore, Brozina's Arizona administrator's license was suspended on May 22, 2023 pending a final decision by the Arizona Board of Education.

Thereafter, on June 6, 2023 the Board sent Brozina another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail was delivered and the regular mail copy was not returned. Brozina did not file a response.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on July 25, 2023, the Board sent Brozina 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, Brozina 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. Brozina was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was delivered and regular mail copy was not returned. Once again, Brozina did not file a response.

The threshold issue before the Board in this matter is whether Brozina's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Brozina 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 October 27, 2023, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and the OSP. The Board concluded that no material facts related to Brozina's offense were in dispute since he never denied that he had engaged in the conduct alleged 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 Brozina had engaged in unbecoming conduct.

The Board must now determine whether Brozina's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates 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 crimes such as Unlawful Possession of a Weapon 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, Brozina's conviction 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 Brozina's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on October 27, 2023, the Board voted to revoke Nicholas L. Brozina's certificates. On this 8th day of December 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Brozina's certificates be effective immediately. It is further ORDERED that Brozina return his paper certificates, if applicable, 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.