

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHAEL A. MORRILL : ORDER OF REVOCATION
_____ : DOCKET NO: 2122-171

At its meeting of May 19, 2022, the State Board of Examiners (Board) reviewed information the Union County Prosecutor's Office and the Office of Student Protection (OSP) provided regarding Michael A. Morrill. Morrill currently holds a Teacher of Physical Science Certificate of Eligibility and a standard Teacher of Physical Science certificate.

On November 1, 2019, Morrill was indicted on one count of Knowingly Possessing/Viewing/Controlling Items of Child Sexual Exploitation/Abuse (3rd degree), N.J.S.A. 2C:24-4B. On September 29, 2020, Morrill pled guilty to the charge. On January 21, 2021, Morrill was sentenced to three years of probation along with other terms and conditions. As a result of the conviction, Morrill is disqualified from public employment pursuant to *N.J.S.A.* 18A:6-7.1 *et seq.* Morrill 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 Morrill an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Morrill the Order to Show Cause by regular and certified mail on July 5, 2022. The Order provided that Morrill had 30 days to respond pursuant to N.J.A.C. 6A:9B-4.6(b). The certified mail receipt was delivered and returned, but unsigned, and the regular mail copy was not returned. Morrill did not file a response.

Thereafter, on February 15, 2023, the Board sent Morrill another notice by certified and regular mail pursuant to N.J.A.C. 6A:9B-4.6(c) providing him an additional 15 days to respond to

the Order to Show Cause. The certified mail receipt was signed and returned, and the regular mail copy was not returned. Morrill did not file a response.

Thereafter, pursuant to N.J.A.C. 6A:9B-4.6(e), on November 1, 2023, the Board sent Morrill 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, Morrill 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. Morrill 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, Morrill did not file a response.

The threshold issue before the Board in this matter is whether Morrill's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Morrill 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 1, 2024, the Board considered only the allegations in the Order to Show Cause and the information received from the Union County Prosecutor's Office and the OSP. The Board concluded that no material facts related to Morrill's offense were in dispute since he never denied that he had 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 Morrill had engaged in unbecoming conduct.

The Board must now determine whether Morrill'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. A conviction for Knowingly Possessing/Viewing/Controlling Items of Child Exploitation/Abuse, *N.J.S.A.* 2C:24-4B, is listed as one of the crimes for which an individual is permanently disqualified from public school employment. *N.J.S.A.* 18A:6-7.1(a). 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. A "violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct" may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 *N.J.* 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 *N.J.* 532, 555 (1998)). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" or "which has a tendency to destroy public respect for employees and confidence in the operation of services." *In re Emmons*, 63 *N.J. Super.* 136, 140 (App. Div. 1960); accord *Bound Brook Bd. of Educ.*, 228 *N.J.* at 13. 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, Morrill's conduct warranting the criminal charges and conviction for Knowingly Possessing/Viewing/Controlling Items of Child Exploitation/Abuse demonstrates behavior that falls far short of a role model and thus, the Board find Morrill engaged in unbecoming conduct of an educator.

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 Morrill's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates. Moreover, it is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 N.J.A.R. 285 (1981). "A teacher's whole life is subject to scrutiny, not just his [or her] actions within the schoolhouse doors." *In re Certificates of Kevin Jordan*, OAL Dkt. No. EDE 00460-07, Initial Decision (Dec. 6, 2007), adopted, Final Decision, Comm'r, Agency Dkt. No. 0506-287 (Feb. 28, 2008), aff'd, *In re Certificates of Kevin Jordan*, 2009 N.J. Super. Unpub. LEXIS 2439 (App. Div. 2009).

Accordingly, on March 1, 2024, the Board voted to revoke Michael A. Morrill's Teacher of Physical Science Certificate of Eligibility and standard Teacher of Physical Science certificate. On this 11th day of April 2024, the Board voted to adopt its formal written decision and it is

therefore ORDERED that Morrill's certificates are revoked, effective immediately. It is further ORDERED that Morill 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.