

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
SPENCER J. FROHWIRTH : ORDER OF REVOCATION
_____ : DOCKET NO: 2324-150

At its meeting of April 11, 2024, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) and Union County Prosecutor's Office regarding Spencer J. Frohwirth. Frohwirth currently holds a Teacher of Art Certificate of Eligibility with Advanced Standing, issued June 2007.

On May 4, 2023, Frohwirth was indicted on One Count of Possession of a Controlled Dangerous Substance (CDS) (third degree), *N.J.S.A. 2C:35-10a(1)*; One Count of Possession of a CDS over 50 grams of Marijuana (fourth degree), *N.J.S.A. 2C:35-10a(3)(a)*; One Count of Possession with the Intent to Distribute a CDS Schedule I II III IV (third degree), *N.J.S.A. 2C:35-5a(1)* and *N.J.S.A. 2C:35-5b(13)*; One Count of Possession with the Intent to Distribute a CDS Marijuana - 5 pounds but less than 25 pounds (second degree), *N.J.S.A. 2C:35-5a(1)* and *N.J.S.A. 2C:35-5b(10)(b)*; One Count of Possession with the Intent to Distribute a CDS Within 1,000 ft of School Property – Marijuana (third degree), *N.J.S.A. 2C:35-7a*; One Count of Possession with the Intent to Distribute a CDS Within 1,000 ft of School Property - Schedule I II III IV (third degree), *N.J.S.A. 2C:35-7a*; One Count of Possession with the Intent to Distribute a CDS Within 500 ft of Public Property (second degree), *N.J.S.A. 2C:35-7.1a*; and One Count of Possession with the Intent to Distribute Drug Paraphernalia (fourth degree), *N.J.S.A. 2C:36-3*. It is alleged that Frohwirth was in possession of mushrooms, marijuana, alprazolam (Xanax), LSD, Adderall, and drug paraphernalia with the intent to distribute within 1,000 feet of a school and 500 feet of a public park.

On August 28, 2023, Frohwirth pled guilty to Manufacturing, Distributing, or Dispensing

a Controlled Dangerous Substance (CDS) or Possessing a CDS with Intent to Manufacture, Distribute, or Dispense (2nd degree), *N.J.S.A. 2C:35-5a(1)* and *N.J.S.A. 2C:35-5b(10)(b)*. On December 22, 2023, Frohwirth was sentenced to three years in prison, along with other conditions.

On February 14, 2024, OSP notified the Board that, pursuant to *N.J.S.A. 18A:6-7.1 et seq.*, Frohwirth was disqualified from public school employment as the result of his convictions.

Upon review of the above information, the Board voted, at its May 23, 2024 meeting, to issue Frohwirth an Order to Show Cause as to why his certificates should not be revoked. The Board sent Frohwirth the Order to Show Cause by regular and certified mail, return receipt requested, on May 24, 2024. The Order provided that Frohwirth had 30 days to respond pursuant to *N.J.A.C. 6A:9B- 4.6(b)*. The certified mail copy was signed and returned, and the regular mail copy was not returned. Frohwirth did not file a response.

On August 14, 2024, the Board sent Frohwirth another notice by certified and regular mail providing him with an additional 15 days to respond to the Order to Show Cause pursuant to *N.J.A.C. 6A:9B-4.6(c)*. The certified mail copy was signed and returned, and the regular mail copy was not returned. Frohwirth did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, the Board sent Frohwirth a hearing notice by regular and certified mail, return receipt requested, on October 31, 2024. The notice explained that there appeared to be no dispute as to material facts in this matter. Thus, Frohwirth 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. Frohwirth 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. Frohwirth did not file a response or request to appear before the Board.

The Board has the authority to “issue appropriate certificates to teach or to administer” and “may revoke the same under rules and regulations prescribed by the State board.” *N.J.S.A.* 18A:6-38; *see also N.J.A.C.* 6A:9B-3.2 and -4.4); *Morison v. Willingboro Bd. of Educ.*, 478 N.J. Super. 229 (App. Div. 2024), *cert. denied* 258 N.J. 143 (July 11, 2024). The Board may take action against a 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; *see also Morison*, 478 N.J. Super. at 246, 248 (the Board is responsible for protecting schoolchildren from improper teacher conduct and may suspend or revoke an educator’s continued ability to serve as a teacher at any public school based on unbecoming conduct).

The threshold issue before the Board in this matter is whether Frohwirth’s actions here constitute conduct unbecoming a certificate holder or other just cause. Because Frohwirth failed to respond to the Order to Show Cause, the allegations are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of May 22, 2025, the Board considered only the allegations in the Order to Show Cause and the information received from OSP. Because the allegations were deemed admitted, the Board concluded that no material facts related to Frohwirth’s offenses were in dispute. And because no material facts related to Frohwirth’s conduct are in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

The Board finds that Frohwirth engaged in conduct unbecoming of an educator. Unbecoming conduct is defined as “conduct ‘which adversely affects the morale or efficiency of the [department]’ or ‘has a tendency to destroy public respect for [government] employees and confidence in the operation of [public] services.’” *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017) (quoting *In re Young*, 202 N.J. 50, 66 (2010), *Karins v. Atl. City*, 152 N.J. 532, 554 (1998)). “[A] finding of unbecoming conduct ‘need not be predicated upon the violation of any particular rule or regulation, but may be based merely upon the 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 legal correct.”” *Id.* at 13-14 (quoting *Karins*, 152 N.J. at 555). “It focuses on the morale, efficiency, and public perception of an entity, and how those concerns are harmed by allowing teachers to behave inappropriately while holding public employment.” *Id.* at 14. “The touchstone of the determination lies in the certificate holder’s ‘fitness to discharge the duties and functions of one’s office or position.’” *Young*, 202 N.J. at 66 (quoting *In re Grossman*, 127 N.J. Super. 13, 29 (App. Div. 1974)).

Here, the Board finds that a conviction for Manufacturing, Distributing, or Dispensing a Controlled Dangerous Substance (CDS) or Possessing a CDS with Intent to Manufacture, Distribute, or Dispense (2nd degree), N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(10)(b), clearly demonstrate a violation of the implicit standard of good behavior expected of public school teachers. Frohwirth’s conduct in possessing mushrooms, marijuana, alprazolam (Xanax), LSD, Adderall, and drug paraphernalia with the intent to distribute within 1,000 feet of a school and 500 feet of a public park is certainly not role model behavior. Further, 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. 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. OSP determined that Frohwirth’s conviction permanently disqualifies him from public school employment. *See N.J.S.A.* 18A:6-7.1(c)(2) and (d). Thus, the Board finds that Frohwirth engaged in conduct unbecoming an educator and provides the basis for the Board’s finding.

Having found that Frohwirth engaged in unbecoming conduct, the Board must now determine the appropriate penalty to be applied. In doing so, the Board considers the “nature and gravity of the offenses under all the circumstances involved, any evidence as to provocation, extenuation or aggravation,” and any “harm or injurious effect” on the maintenance of discipline and the proper administration of the school system. *In re Fulcomer*, 93 N.J. Super. 404, 422 (App.

Div. 1967). “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. Fitness to teach depends on a broad range of factors, including the teacher’s impact and effect upon the students, because a “teacher works in a sensitive area in a schoolroom” and “shapes the attitude of young minds toward the society in which they live.” *Grossman*, 127 N.J. at 30 (*quoting Adler v. Bd. of Educ. of City of New York*, 342 U.S. 485 (1952)). Importantly, unfitness to hold a position in a school system may be shown by one incident if sufficiently flagrant. *Fulcomer*, 93 N.J. Super. at 421; *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, the Board concludes that the appropriate response to Frohwirth’s breach in conduct of an educator is revocation of his certificate. Frohwirth’s conduct in possessing mushrooms, marijuana, alprazolam (Xanax), LSD, Adderall, and drug paraphernalia within 1,000 feet of a school and 500 feet of a public park with the intent to distribute the illicit drugs demonstrates his unfitness to discharge the duties and functions as a public school teacher. Allowing him to maintain certification to teach in a public school would have a negative impact on the proper administration of the school system. Further, the record established that, as a result of his conviction for Manufacturing, Distributing, or Dispensing a Controlled Dangerous Substance (CDS) or Possessing a CDS with Intent to Manufacture, Distribute, or Dispense (2nd degree), *N.J.S.A.* 2C:35-5a(1) and *N.J.S.A.* 2C:35-5b(10)(b), Frohwirth is disqualified from public school employment. An educator who is not qualified for public school employment should not be able to hold himself out as a public educator. Thus, revocation of his certificates is the appropriate response in this matter.

Accordingly, on May 22, 2025, the Board voted to revoke Spencer Frohwirth’s Teacher of Art Certificate of Eligibility with Advanced Standing. On this 26th day of June 2025, the

Board voted to adopt its formal written decision, and it is therefore ORDERED that Frohwirth's certificate is REVOKED, effective immediately. It is further ORDERED that Frohwirth return his paper certificate, if issued, 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.