

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RAFAEL DOSSANTOS-ROCHA : ORDER OF REVOCATION
_____ : DOCKET NO: 2324-172

Rafael Dossantos-Rocha (Dossantos-Rocha) is the holder of a Teacher of Social Studies Certificate of Eligibility, issued October 2003, and a Teacher of Social Studies standard certificate, issued October 2006.

At its meeting of May 23, 2024, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) regarding Dossantos-Rocha. On July 17, 2023, Dossantos-Rocha was charged with three counts of Endangering the Welfare of a Child (2nd degree), *N.J.S.A. 2C:24-4.A(2)*, as well as related disorderly persons and motor vehicle charges of Driving Under the Influence, *N.J.S.A. 39:4-50*; Reckless Driving, *N.J.S.A. 39:4-96*; and Careless Driving, *N.J.S.A. 39:4-97*. It is alleged that he was driving under the influence with three children in the vehicle. His blood alcohol level was 0.179%. If convicted of this offense, he would be disqualified from public school employment.

On March 8, 2024, Dossantos-Rocha received an Order of Postponement on the three counts of Endangering the Welfare of a Child (2nd degree), *N.J.S.A. 2C:24-4.A(2)*, as well as the related disorderly persons and motor vehicle charges of Driving Under the Influence, *N.J.S.A. 39:4-50*; Reckless Driving, *N.J.S.A. 39:4-96*; and Careless Driving, *N.J.S.A. 39:4-97*. Dossantos-Rocha was entered into Pretrial Intervention (PTI) for twelve (12) months, along with the condition of drug/alcohol testing and fines.

The Department of Children and Families, Division of Child Protection & Permanency, Institutional Abuse Investigation Unit (IAIU) investigated the alleged conduct. The IAIU

established neglect/risk of harm and substance abuse of caregiver allegations against Dossantos-Rocha.

Upon review of the above information, the Board voted at its June 27, 2024 meeting to issue Dossantos-Rocha an Order to Show Cause as to why his certificates should not be revoked. On July 2, 2024, the Board sent Dossantos-Rocha the Order to Show Cause by regular and certified mail, return receipt requested. The Order provided that Dossantos-Rocha 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. Dossantos-Rocha did not file a response.

On August 14, 2024, the Board sent Dossantos-Rocha another notice by regular mail and certified, return receipt requested, providing him 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. Dossantos-Rocha did not file a response.

On October 31, 2024, the Board sent Dossantos-Rocha a hearing notice by regular and certified mail, return receipt requested, pursuant to *N.J.A.C. 6A:9B-4.6(e)*. The notice explained that there appeared to be no material facts in dispute in this matter. Thus, Dossantos-Rocha 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. Dossantos-Rocha was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was marked delivered and the regular mail copy was not returned. Dossantos-Rocha did not file a response or ask to appear before the Board.

The threshold issue before the Board in this matter is whether Dossantos-Rocha's actions here constitute conduct unbecoming a certificate holder or other just cause. Because Dossantos-Rocha 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 January 16, 2025, the Board considered only the allegations in the Order to Show Cause and the information received from the OSP. The Board concluded that no material facts related to Dossantos-Rocha's offense were in dispute because he never denied that he had engaged in the alleged conduct. Thus, since no material facts related to Dossantos-Rocha'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 Dossantos-Rocha engaged in conduct unbecoming of an educator. Pursuant to N.J.A.C. 6A:9B-4.4, the Board may take action against a certificate holder on the basis of conduct unbecoming a teacher. The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960); *accord Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017). "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.*, 228 N.J. at 14 (quoting *Karins v.*

City of Atlantic City, 152 N.J. 532, 555 (1998)). 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).

Here, Dossantos-Rocha's action of driving under the influence with three children in the car clearly demonstrates conduct that is unacceptable for a role model. Thus, the Board finds Dossantos-Rocha engaged in conduct unbecoming an educator. The IAIU investigation finding that neglect or risk of harm to his children was established also provides the basis for the Board's finding.

Having found that Dossantos-Rocha engaged in unbecoming conduct, the Board must now determine the appropriate penalty to be applied. The Board may revoke or suspend the certification of any certificate holder if the certificate holder engages in conduct unbecoming a teacher. *N.J.A.C.* 6A:9B-4.4. In this instance, the Board concludes that the appropriate response to Dossantos-Rocha's breach in conduct of an educator is revocation of his certificates. Specifically, Dossantos-Rocha's actions in driving while under the influence of alcohol and/or drugs with three minor children in the car and neglecting the children and/or placing them at risk of harm warrant revocation of his New Jersey certificates because such actions tend to destroy confidence in the operation of public services.

Accordingly, on January 16, 2025, the Board voted to revoke Rafael Dossantos-Rocha's Teacher of Social Studies Certificate of Eligibility and Teacher of Social Studies standard certificate. On this 28th day of February 2025, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Dossantos-Rocha's certificates be REVOKED, effective immediately. It is further ORDERED that Dossantos-Rocha 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.