

77-01

IN THE MATTER OF THE TENURE :  
HEARING OF RYAN ING, SCHOOL :  
DISTRICT OF THE CITY OF : COMMISSIONER OF EDUCATION  
ELIZABETH, UNION COUNTY. : DECISION  
\_\_\_\_\_ :

SYNOPSIS

Board filed tenure charges of conduct unbecoming a teaching staff member against respondent based on his attempt to forge an inappropriate relationship with a 13-year-old female student, and his sending of notes to students in contemplation of his suicide. Respondent admitted the charges dealing with his relationship with a 13-year-old student but denied the fourth charge pertaining to the suicide note, and raised as an affirmative defense that he was diagnosed with bipolar disorder and, after having received psychotherapy and medication, asserts he is able to continue his teaching career.

The ALJ granted summary decision to the Board on the first three charges and, after conducting a hearing, concluded that the fourth charge was substantiated by the Board. The ALJ considered and discounted respondent's affirmative defense, and recommended respondent's removal from his position.

The Commissioner affirmed the decision of the ALJ for the reasons set forth therein and determined that the appropriate penalty was dismissal of respondent from his teaching position. The Commissioner also referred the case to the State Board of Examiners for action, as the Board deems appropriate, against respondent's certificate.

March 2, 2001

OAL DKT. NO. EDU 3122-00  
AGENCY DKT. NO. 75-2/00

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon an independent and careful review of the record,<sup>1</sup> the Commissioner agrees with the findings and conclusions of the Administrative Law Judge (ALJ) that each of the Board's four charges of unbecoming conduct against respondent have been sustained, and the appropriate penalty is respondent's dismissal from his tenured teaching position.

Initially, the Commissioner affirms the ALJ's June 6, 2000 Order granting partial summary decision to the Board on Charge Nos. 1, 2 and 3 of its four tenure charges against respondent based on the uncontested facts enumerated by the ALJ on page 3 of his Initial Decision and the evidentiary record in this matter.<sup>2</sup> The Commissioner further adopts the ALJ's

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<sup>1</sup> It is noted that the record did not contain transcripts of the hearing conducted below.

<sup>2</sup> Specifically, such charges read: "Charge No. 1 – Mr. Ryan Ing is guilty of conduct unbecoming a teacher by engaging in sexually explicit conversations and correspondence with a female student at various times during the years 1999 to 2000. Mr. Ing did contact by telephone, on several occasions, a thirteen year old student in his class in an attempt to forge a romantic and/or sexual relationship with the student. (Exhibits A-F).\*\*\* Charge No. 2 – Mr. Ryan Ing is guilty of conduct unbecoming a teacher by kissing and/or inappropriately touching a thirteen year old student during the years 1999 to 2000. (Exhibit C).\*\*\* Charge No. 3 – Mr. Ryan Ing is guilty of conduct unbecoming a teacher by contacting a thirteen year old female student and transporting the student in his vehicle to engage in a physical relationship without the knowledge or permission of the student's parents. (Exhibit C).\*\*\*" See Statement of Charges, January 27, 2000.

conclusion here that the Board's Charge No. 4 of unbecoming conduct has similarly been sustained, since he concurs that the notes respondent sent to his students in contemplation of his suicide (*see* Exhibits P-2A, P-2B, P-2C, P-2D, P-2E, P-2F, P-2G, P-2H, P-2I, P-2J, P-2K, P-2L, and P-2M), could have had a significant detrimental impact on these students, particularly if respondent had ultimately committed suicide. In reaching his determination, the Commissioner notes that it is well-established that teachers are in a unique position of public trust and, as such, are required to adhere to an enhanced standard of behavior and to serve as positive role models to students and to the community. *See In re Sammons*, 1972 S.L.D. 302; *In re Tordo*, 1974 S.L.D. 97. Moreover, as the Commissioner has previously observed:

\*\*\*The peculiar relationship between the teacher and his pupils is such that it is highly important that the character of the teacher be above reproach.\*\*\* [\*\*\*][P]arents and pupils regard the teacher as an exemplar whose conduct might be followed by his pupils, and the law by necessary intendment demands that he should not engage in conduct which would invite criticism and suspicions of immorality. *In re Quinn*, 1975 S.L.D. 397, 411, quoting *Tracy v. School District No. 22*, 70 Wyo. 1, 243 P.2d 932, 937 (1952).

Here, there is no question that respondent violated the teacher-pupil relationship by engaging in improper interaction with a 13-year-old eighth grade student, whose interest he was obligated to safeguard. A review of the letters written by respondent to this young girl, wherein he expresses his thoughts, fantasies and romantic feelings toward her, leave no doubt as to their inappropriateness. The Commissioner also finds disquieting that the record evidences that respondent was cognizant of the unbecoming nature of his conduct and instructed the young student not to let her parents find his letters and to keep their relationship quiet. (*See* P-3, P-4, P-5, P-7, P-8, P-12.)

With regard to the determination of the appropriate penalty to be imposed in this matter, the Commissioner is mindful that he is required to consider: the nature and gravity of respondent's offenses under all the circumstances involved; his prior record in the District, any evidence as to provocation, extenuation or aggravation; and any harm or injurious effect which his conduct may have had in the maintenance of discipline and the proper administration of the school system. *In re Fulcomer*, 93 N.J. Super. 404, 421-22 (App. Div. 1967). In so considering, the Commissioner is in full agreement with the ALJ that:

[R]espondent took advantage of his position as a teacher to forge a romantic relationship with a thirteen-year-old female student in his class. In doing so, he did not display any appreciation of or regard for the emotional impact on the student. Respondent's conduct betrayed the trust which was placed in him as a teacher of children. In addition, respondent disregarded the potential emotional impact on his students by sending them notes which were to be received after his contemplated suicide. Two of the notes contained oblique references to his contemplated suicide. Thus, respondent's misconduct is very serious in that it created a risk of emotional harm to the thirteen-year-old girl and his other students. (Initial Decision at 6-7)

As such, the Commissioner finds and concludes that the behavior established here transcends the boundaries of conduct which can be tolerated from a teaching staff member in a position of authority who has a responsibility for the custody and care of children, necessitating respondent's dismissal from his position. Furthermore, the Commissioner determines that, based on the record before him, this result is in no way altered by respondent's subsequent diagnosis of, and treatment for, a bi-polar disorder, as he, like the ALJ, is "not persuaded that respondent's involvement with the thirteen-year-old female student was caused by his undiagnosed condition." (Initial Decision at 8)

Accordingly, for the reasons expressed therein, the Commissioner affirms the Initial Decision of the OAL and hereby orders that Ryan Ing be dismissed from his tenured

teaching position with the School District of the City of Elizabeth as of the date of this decision. This matter shall be transmitted to the State Board of Examiners, pursuant to the requirements of *N.J.A.C. 6:11-3.6*, for action, as that body deems appropriate, against respondent's certificate.

IT IS SO ORDERED.<sup>3</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 2, 2001

Date of Mailing: March 6, 2001

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<sup>3</sup> This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.