

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
JACK ROSE : ORDER OF REVOCATON
_____ DOCKET NO. 437-02/97-128

At its meeting of February 27, 1997 the State Board of Examiners reviewed information received from the Florida State Department of Education indicating that the Education Practices Commission permanently revoked Jack Rose's Florida certificate for:

- gross immorality or an act involving moral turpitude;
- personal conduct which seriously reduced his effectiveness as an employee of the school board;
- failing to make a reasonable effort to protect students from conditions harmful to learning, health, and safety;
- intentionally exposing a student to unnecessary embarrassment or disparagement;
and
- exploiting a professional relationship with a student for personal gain or advantage.

Respondent currently holds Teacher of Marketing Education and Teacher Coordinator of Marketing Education licenses in New Jersey.

At that meeting the State Board of Examiners voted that the above stated information warranted issuance of an Order to Show Cause to Respondent. The Order was mailed by regular and certified mail on or about March 14, 1997. After submitting several answers to the Order to Show Cause that did not conform to the regulation requiring that Respondent admit or deny each

allegation in the Order, a conforming Answer to the Order to Show Cause was received from Respondent on June 16, 1997.

Respondent's Answer to the Order to Show Cause denies specifically and individually each of the allegations in the Order to Show Cause. Respondent contends, *inter alia*, that the hearing conducted in Florida boiled down to the student's word against his own, for which it was concluded that he, Respondent, had a motive to retain his teaching certificate but that the student had no motive. He states that an accident occurring two weeks before the alleged incident and his financial situation prevented an appeal of the Commission's conclusion. He states he is not guilty of anything.

Respondent does not deny that the State of Florida permanently revoked his teaching license in that state. After review of Respondent's Answer it appeared that no material facts were in dispute. Accordingly, in conformity with the revisions of N.J.A.C. 6:11-3.6, on July 21, 1997 a hearing notice was mailed by regular and certified mail to Respondent. Neither the certified mail return receipt card nor the regular mail copy was returned. No response was received from or on behalf of Respondent.

Thereafter, on October 23, 1997 Respondent was advised by certified and regular mail that he was being provided an additional ten (10) days to file a response to the initial hearing notice. On October 21, 1997 a response to the hearing notice was received from Respondent. Respondent's reply to the hearing notice reiterates, essentially, those points posited in his Answer to the Order to Show Cause.

By virtue of holding a teaching license, the respondent has been entrusted by the State with the care and custody of school children. Tenure Hearing of Sammons, 1972 S.L.D. 302, 321. The respondent has, however, by the conduct reported by Florida, violated that most sacred

trust. He has impermissibly endangered a minor by having “engaged in sexual misconduct with a student at his (respondent’s) apartment on or about August 10, 1994.” (State of Florida, Division of Administrative Hearings Report at 22-23) Such comportment is so foreign to the expectations of the deeds and actions of a professional certificated teacher - or of any person - that it raises doubts as to the continued performance of that person in the classroom. Tenure of Blasco, OAL Dkt. EDU 3842-79 (July 15, 1980), mod. Comm’r of Ed. (August 28, 1980), mod. St. Bd. of Ed. (Feb. 4, 1981). The public must be assured that the respondent will no longer be given access to children as a teacher. Indeed, it was the conclusion of the Department of Education of Florida that the student’s version of the facts alleging sexual misconduct were reliable, and that such sexual misconduct was violative of state law. The report further concluded that Respondent’s misconduct was so egregious as to warrant permanent revocation of Respondent’s teaching licensure in the state of Florida. The New Jersey State Board of Examiners review of the Florida report compels the same conclusion.

Accordingly, the State Board of Examiners finds respondent’s conduct as proven by the Florida Commission of Education conduct unbecoming a license holder due to the level and nature of the offense set forth in the Florida report. The appropriate penalty for his unbecoming conduct is the revocation of Respondent’s New Jersey teaching licenses.

It is, therefore, ORDERED that Jack Rose’s New Jersey Teacher of Marketing Education and his Teacher Coordinator of Marketing Education licenses be revoked on this 11th day of December, 1997.

It is further ORDERED that Jack Rose return his licenses to the Secretary of the State Board of Examiners, Office of Licensing, CN 503, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: March 2, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A.
18A:6-28.

IBG:KHK:br:Roserv