

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
CHARLES TALLEY, JR. : ORDER OF REVOCATON
_____ : DOCKET NO. 260 - 06/94 - 106

At its meeting of June 16, 1994, the State Board of Examiners reviewed the tenure charges proven against Charles Talley, Jr. for unbecoming conduct and other just cause including failure to properly supervise his students, failure to notify school administrators of incidents involving student misconduct and failure to exercise self-control. Said charges are embodied in a Commissioner's decision captioned, In the Matter or the Tenure Hearing of Charles Talley, School District of the City of Newark, Essex County, Oal Dkt. No. EDU 1319-93, Agency Dkt. No. 2-2/93. Mr. Talley holds a Teacher of Health and Physical Education license and a Substance Awareness Coordinator Certificate of Eligibility in the State of New Jersey.

At that meeting the State Board of Examiners voted to issue an Order to Show Cause based upon the findings of the Commissioner in the tenure matter, pursuant to N.J.A.C 6:11-3.6. The Order to Show Cause was mailed to Mr. Talley by regular and certified mail on July 1, 1994. On July 15, 1994 an Answer to the Order to Show Cause was received from Mr. Talley.

Thereafter, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Certificates of Sheridan. The other is captioned, In the Matter of the Certificates of Vitola. Within these two cases, the State Board of Education determined that the State Board of Examiners was required to amend its regulation in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the State

Board of Examiner' regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

On February 2, 1995 a hearing notice was mailed by regular and certified mail to Mr. Talley. Mr. Talley did not provide a response to the hearing notice.

On July 21, 1997, a second hearing notice was mailed by regular and certified mail to Mr. Talley pursuant to the newly recodified hearing provisions of N.J.A.C. 6:11-3.6(a)1. Said notice explained that, it appearing that no material facts were in dispute, he was provided an opportunity to reply and to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a license holder. On August 15, 1997, a response to the hearing notice was received from Mr. Talley.

Mr. Talley's response to the hearing notice indicates he and his attorney submitted all legal papers and affidavits to the record before the Commissioner. He adds that since his removal and the state takeover of the schools of the city of Newark, the principal of the Eighteenth Avenue School and Principal John Petrocini of Barringer Preparatory School have both been disciplined. Mr. Talley avers this speaks directly to the situations he was dealing with. He relies on all facts, information and affidavits previously submitted and trusts the State Board of Examiners will have a clear understanding of the events that took place.

Mr. Talley's Answer to the Order to Show Cause claims he is innocent of the allegation brought against him in the tenure matter, and that the facts established in that proceeding are lies. He submits with his Answer the exceptions submitted to the Commissioner of Education in the tenure proceeding and asks that his licenses not be revoked or suspended.

At its meeting of October 9, 1997, the State Board of Examiners reviewed the charges against Mr. Talley as well as his responses to the Order to Show Cause and the hearing notice.

After its review, the State Board of Examiners determined that no material facts related to the tenure charges proven against him remain in contest, and that the matter could, therefore, proceed to a determination as to whether the charges levied against Mr. Talley in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

Upon independent consideration of Mr. Talley's responsive pleadings and the Commissioner of Education decision mentioned, supra, the State Board of Examiners finds that the charges found to be fact in the Commissioner's decision constitute conduct unbecoming a teaching staff member, sufficient to warrant revocation of respondent's teaching licensure. The Commissioner found that Mr. Talley failed to properly supervise his students, failed to notify school administrators of incidents involving student misconduct, and failed to exercise self-control. The State Board of Examiners review of the tenure matter convinces it that Mr. Talley should not be permitted to remain in the classroom. His removal from his tenured position constitutes conduct unbecoming a teacher.

Accordingly, the State Board of Examiners finds that the charges proven against Charles Talley, Jr. in the Commissioner of Education tenure revocation decision dated April 21, 1994 warrant revocation of Charles Tally, Jr.'s Teacher of Health and Physical Education license and Substance Awareness Coordinator Certificate of Eligibility. Said licenses are hereby revoked on this 9th day of October, 1997.

It is further ORDERED that Charles Talley, Jr. return his licenses to the Secretary of the State Board of Examiners, Office of Licensing P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: November 19, 1997

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

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