

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOHN O. THOMAS : ORDER OF REVOCATION
_____ : DOCKET NO: 480-06/98-175

At its meeting of June 18, 1998, the State Board of Examiners reviewed information the Office of Criminal History Review had sent pursuant to N.J.S.A. 18A:6-7.3, regarding John O. Thomas. The State Board of Examiners was mistakenly informed that Thomas had been convicted of sexual assault/child abuse charges. Accordingly, the Board of Examiners issued an Order to Show Cause to Thomas based on that mistaken information. Subsequently, the Board of Examiners learned that, in fact, Thomas had been convicted of two counts of cruelty and neglect of children and had been disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1. Thomas had entered into a Pre Trial Intervention (PTI) program, under which he gave up teaching and agreed to surrender his teaching certificate. Thomas was also sentenced to four years' probation and ordered to undergo psychological evaluation and treatment (if necessary) and to have no uninitiated contact with his victim. Upon review of the above information, at its January 21, 1999 meeting, the State Board of Examiners voted to issue an Amended Order to Show Cause to Respondent based upon the correct information. Thomas is currently the holder of a Teacher of Elementary School certificate.

The Amended Order to Show Cause was mailed to Respondent by regular and certified mail on February 24, 1999. The Order provided that if Thomas desired to file an Answer to the Amended Order the Answer must be filed within 20 days. On March 12, 1999, Thomas responded to the Amended Order by letter. In that letter, he did not contest the allegations in the

Amended Order. Instead, Thomas told the Board of Examiners that he wished to waive his right to a revocation proceeding. (Answer, ¶2).

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Thomas' surrender of his teaching certificate as a predicate for his entry into the PTI program and his disqualification from public school employment provide a basis to act against his certificate. At its meeting of April 15, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Amended Order to Show Cause. After review of Thomas' submission, the Board of Examiners determined that no material facts regarding the issues in the Amended Order to Show Cause were in dispute since Thomas did not contest the charges and agreed to the revocation proceeding. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Thomas' surrender of his certificate, as a prerequisite for entry into PTI, provides just cause to suspend or revoke his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children." Tenure of Sammons, 1972 S.L.D. 302, 321. In the judgment of the Camden County Prosecutor, who demanded that Thomas surrender his teaching certificate as a condition for entering PTI, Thomas, has, by his conduct, violated that most sacred trust. The prosecutor had knowledge of the facts underlying the indictment; she deemed it imperative that Thomas no longer be given access to children as a

teacher. The New Jersey State Board of Examiners can do no less. Consequently, the only proper remedy for Thomas' breach is revocation.

Accordingly, it is therefore ORDERED that John O. Thomas' Teacher of Elementary Education certificate be revoked on this 15th day of April, 1999.

Secretary
State Board of Examiners

Date of Mailing: May 4, 1999

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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