

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MATTHEW E. McKEOWN : ORDER OF REVOCATION
_____ : DOCKET NO: 474-05/98-182

At its meeting of May 14, 1998, the State Board of Examiners reviewed information the Division of Criminal Justice had sent regarding Matthew McKeown. That information indicated that McKeown had been convicted of attempting to endanger the welfare of a child in the 3rd degree and endangering the welfare of a child in the 4th degree. As a result of such conviction, on August 14, 1997, McKeown was sentenced to community supervision for life and probation for five years (which could be transferred to Pennsylvania if McKeown were accepted). In addition, McKeown had to serve 364 days in the Burlington County Jail with jail credit of 20 days, continue counseling, make semi-annual reports to the Prosecutor and register pursuant to Megan's Law, N.J.S.A. 2C:7-1. Upon review of this information, at that May meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent. McKeown currently holds a Teacher of Elementary School Certificate of Eligibility with Advanced Standing.

The Order to Show Cause was mailed to Respondent by regular and certified mail on June 9, 1998. The certified mail return receipt card was signed and returned. The regular mail copy was not returned. The Order provided that if Respondent desired to file an Answer, it had to be filed within 20 days. McKeown did not file a response. Thereafter, on November 8, 1998, the Board of Examiners gave McKeown an additional 10 days to respond to the Order to Show Cause. Both the certified and regular mail copies of the second notice were returned indicating that the forwarding order for McKeown's mail had expired. The Board of Examiners then sought the assistance of the Department of Motor vehicles in securing an address for McKeown. DMV had no record on file for him. Finally, on March 14, 1999 and March 21, 1999, the Board of Examiners posted a legal notice in the Home News Tribune advising

McKeown that an Order to Show Cause regarding his certificate had been issued. McKeown did not respond to the Board of Examiners' request for an Answer.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether McKeown's conviction for attempting to endanger the welfare of a child and endangering the welfare of a child constitutes conduct unbecoming a teaching staff member and gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since McKeown did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether McKeown's conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. After our independent review of the record, we find that it does.

In this case, McKeown has a conviction for a crime that put a child in jeopardy. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. See Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that the serious nature of McKeown's offense provides just cause to take action against his certificate.

McKeown's conviction leaves the Board of Examiners no choice with regard to the appropriate sanction in this matter. His violation of the fundamental trust between adult and child goes to the heart of the teacher's profession. Our children must feel safe with those who are entrusted with their care in the public schools. In the Matter of the Certificate of Craig S. Harris, Docket No. 418-11/96-167 (Bd. of Examiners, Nov. 5, 1998). This Board would be derelict in its duty to safeguard New Jersey's public school children if it did not remove such individuals from the classroom.

Accordingly, it is therefore ORDERED that Matthew McKeown's Teacher of Elementary School Certificate of Eligibility with Advanced Standing be revoked on this 13th day of May, 1999. It is further ORDERED that Matthew McKeown return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: July 9, 1999

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

IBG:MZ:br:matthewmckeown