

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DAVID SIEFERT : ORDER OF REVOCATION
_____ : DOCKET NO: 538-09/99-225

At its meeting of September 23, 1999, the State Board of Examiners reviewed a tenure decision the Commissioner of Education had forwarded captioned In the Matter of the Tenure Hearing of David Siefert, Dkt. No. 37-2/98 (July 15, 1998). In that decision the Commissioner had approved a settlement agreement between the Township of Morris Board of Education and David Siefert, a tenured elementary school science teacher. The Township of Morris Board of Education had certified tenure charges against Siefert alleging unbecoming conduct, incapacity and other just cause. The Board alleged that Siefert had engaged in inappropriate conversations with female students, had recurring problems with his teaching performance and had exhibited an inappropriate attitude toward staff development and peer interaction. Siefert currently holds an Elementary School Teacher certificate.

Before the case went to hearing, the parties settled the matter. Siefert agreed to resign his tenured position and the District withdrew the tenure charges. (Stipulation of Settlement, at 2, 4). Siefert also agreed not to contest and to consent to any revocation proceeding that was brought against him as a result of the Commissioner's referral of the case to the State Board of Examiners. (Stipulation of Settlement, at 5). The Administrative Law Judge (ALJ) approved the settlement on June 1, 1998. (Initial Decision, slip op. at 2). In a decision dated July 15, 1998, the Commissioner concurred with the ALJ's decision to approve the settlement agreement. (Commissioner's Decision, slip op. at 3).

On May 13, 1999, the State Board of Examiners voted to write to Siefert asking for an affidavit consenting to the revocation of his certificate and waiving his right to a hearing. Siefert did not respond to the request. The Board wrote to Siefert again on May 20, 1999. Once again, he did not respond. Consequently, on September 23, 1999 the State Board of Examiners voted to issue Siefert an Order to Show Cause. The Order was predicated on Siefert's agreement not to contest any revocation proceeding. The Order was mailed on November 5, 1999 but Siefert did not respond. On December 29, 1999, Siefert was given an additional ten days to respond to the Order to Show Cause. He was advised that if no response was received, the allegations in the order would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Once again, Siefert did not respond.

The threshold determination before the State Board of Examiners in this matter, therefore, is whether Siefert's loss of tenure and his agreement not to contest a revocation proceeding form a sufficient predicate to take action against his certificate. At its meeting of May 11, 2000, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Siefert 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. Since Siefert's unbecoming conduct is admitted, (and he had, in fact, agreed not to contest such a proceeding,) the Board of Examiners must now decide whether that constitutes a sufficient basis to act against Siefert's 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. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Bd. of Educ., 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). Teachers in the State of New Jersey “are professional employees to whom the people have entrusted the care and custody of ... school children....This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” Tenure of Sammons, 1972 S.L.D. 302, 321. There can be no dispute that Siefert does not wish to contest this revocation proceeding. He clearly understood, as evidenced by his signature on the settlement agreement, that his settlement of the tenure case based on the serious charges of inappropriate conduct could also lead to the revocation of his certificate. Since Siefert has acknowledged that his conduct warrants his resignation from teaching, both in Morris Township and in New Jersey, the State Board of Examiners finds that the appropriate sanction in this case is revocation.

Accordingly, it is therefore ORDERED that David Siefert’s Teacher of Elementary School certificate be revoked on this 11th day of May 2000. It is further ORDERED that Siefert 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: October 11, 2000

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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