

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JEFFREY LEVINE : ORDER OF REVOCATION
_____ : DOCKET NO: 644-10/01-308

At its meeting of October 1, 2001, the State Board of Examiners reviewed information the Bergen County Prosecutor had forwarded indicating that on October 26, 2000, Jeffrey Levine had pled guilty to charges of second degree sexual assault. On May 4, 2001, Levine was sentenced to three years at the Adult Diagnostic and Treatment Center, placed on community supervision for life, ordered to provide a DNA sample and to have no contact with his victim. Levine is currently the holder of a Teacher of Elementary School Certificate of Eligibility issued in June 1998. Upon review of the above information, at that October meeting, the State Board of Examiners voted to issue Levine an Order to Show Cause as to why his certificate should not be suspended or revoked.

The Board sent Levine the Order to Show Cause by regular and certified mail on May 30, 2002. The Order provided that Levine must file an Answer within 20 days. Levine filed an Answer on April 20, 2002. In that Answer, Levine admitted that he had pled guilty and was sentenced for sexual assault. (Answer, ¶ 4.) Levine also stated that he felt tremendous remorse and that he would be undergoing offense specific treatment on a daily basis for the remainder of his sentence. (Answer, ¶ 6.) Levine asked the Board of Examiners to consider suspending rather than revoking his certificate.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on May 30, 2002, the Board of Examiners sent Levine a hearing notice by regular and certified mail.¹ The notice explained that since it

¹ On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

appeared no material facts were in dispute, respondent was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if Levine's offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Although the Office of Licensure and Credentials has no record of receiving a signed certified mail receipt card, the regular mail copy of the notice was not returned. Levine did not file a response to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Levine's guilty plea to second degree sexual assault constitutes conduct unbecoming a certificate holder. At its meeting of April 3, 2003, the State Board of Examiners reviewed the charges and papers Levine filed in response to the Order to Show Cause. After review of Levine's submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since Levine admitted that he had pled guilty to the offense charged and had been sentenced accordingly. 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 Levine's offense as set forth in the Order to Show Cause, provides just cause to act against 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. 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. Levine’s acts of sexual assault upon one of his students are inexcusable for any individual, teacher or not. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. 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). In this instance, Levine’s conviction is proof itself that he does not belong in any classroom ever again.

Accordingly, it is therefore ORDERED that Jeffrey Levine’s Teacher of Elementary School Certificate of Eligibility be revoked on this 3rd day of April 2003. It is further ORDERED that Levine return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: JANUARY 31, 2005

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