

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHAEL JUBANOWSKI : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-103

At its meeting of September 25, 2003, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on January 6, 2003, Jubanowski had pled guilty to charges of theft-receiving stolen property and official misconduct. On May 19, 2003, Jubanowski was sentenced to five years' probation on each count to run concurrently. The court also ordered Jubanowski to complete mental health counseling, submit to random drug testing, maintain regular employment, complete 250 hours of community service and cooperate with the prosecutor in any proceedings against his co-defendant. As a result of his conviction, Jubanowski was also permanently barred from public employment. Jubanowski is currently the holder of Teacher of Music, Teacher of Elementary School, Supervisor, Principal/Supervisor, School Administrator and School Business Administrator certificates, all issued prior to February 1991. Upon review of the above information, at its September 2003 meeting, the State Board of Examiners voted to issue Jubanowski an Order to Show Cause.

The Board sent Jubanowski the Order to Show Cause by regular and certified mail on February 9, 2004. The Order provided that he must file an Answer within 20 days. When Jubanowski did not respond, on March 12, 2004, the Board sent him a second notice. On March 12, 2004, Jubanowski's attorney notified the Board that Jubanowski would not contest the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Jubanowski's conviction and subsequent disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificates pursuant to

N.J.A.C. 6A:9-17.5. Since Jubanowski 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. 6A:9-17.7(c). Since Jubanowski's conviction and disqualification are admitted, the Board of Examiners must now decide whether they constitute a sufficient basis to act against his certificates pursuant to N.J.A.C. 6:A:9-17.5. We find that they do.

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. 6A:9-17.5. "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. Jubanowski's acts of theft and official misconduct are inexcusable, especially for an assistant Superintendent, one of the educational leaders of a school district.

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, Jubanowski's criminal activity, which directly touched on his educational position, serves as a sufficient predicate to bar him permanently not just from Carteret's schools but from all of New Jersey's.

Accordingly, it is therefore ORDERED that Michael Jubanowski's Teacher of Music, Teacher of Elementary School, Supervisor, Principal/Supervisor, School Administrator and School Business Administrator certificates be revoked on this 6th day of May, 2004. It is further

ORDERED that Jubanowski return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: July 1, 2004

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