IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION

THE CERTIFICATES OF : STATE BOARD OF EXAMINERS

GERALD FOWLKES : ORDER OF REVOCATION

_____ : DOCKET NO: 0304-237

At its meeting of May 6, 2004, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on November 5, 2003, Gerald Fowlkes had pled guilty to charges of endangering the welfare of a child. On February 11, 2004, Fowlkes was sentenced to three years' confinement in New Jersey State prison and community supervision for life under Megan's Law. As a result of his conviction, the court ordered Fowlkes to forfeit his public position with the Pleasantville school district. The court also forever disqualified Fowlkes from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to *N.J.S.A.* 2C:51-2c. In addition to the information relayed from the Division of Criminal Justice, the Division of Youth and Family Services (DYFS) had also submitted information to the State Board of Examiners regarding Fowlkes. DYFS had investigated and substantiated the allegations of sexual abuse. Fowlkes currently holds a Teacher of Elementary School Certificate of Eligibility, issued in August 1998 and a Teacher of Elementary School certificate, issued in July 1999. Upon review of the above information, at its May 6, 2004, meeting, the State Board of Examiners voted to issue Fowlkes an Order to Show Cause.

The Board sent Fowlkes the Order to Show Cause by regular and certified mail on July 1, 2004. The Order provided that Fowlkes' Answer was due within 30 days. Fowlkes filed his response on August 24, 2004. In that Answer, Fowlkes admitted that he accepted a plea deal from the prosecutor's office to spare his family from going through a second trial since his first trial had ended in a mistrial. (Answer, ¶ 5.) He also admitted that he was disqualified from holding any public office. (Answer, ¶ 6.) Fowlkes urged the Board of Examiners not to suspend or revoke his certificates because he had documents that could clear up the allegations against

him.   (Answer, ¶ 8.)   He added that unfortunately he did not have current access to

that paperwork. (Answer, ¶ 8.) Finally, Fowlkes claimed that the "alleged victim came to the

court building during my sentencing and admitted that she made all of it up." (Answer, ¶ 8.)

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on October 20, 2004, the Board of

Examiners sent Fowlkes a hearing notice by regular and certified mail. The notice explained that

since it appeared no material facts were in dispute, Fowlkes 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 his offense warranted action against his certificates. Thereupon,

the Board of Examiners would also determine the appropriate sanction, if any. The regular mail

copy was not returned and Fowlkes signed and returned the certified mail receipt card. He did

not submit a reply to the hearing notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is

whether Fowlkes' guilty plea to endangering the welfare of a child constitutes conduct

unbecoming a certificate holder. At its meeting of February 24, 2005, the State Board of

Examiners reviewed the charges and papers Fowlkes filed in response to the Order to Show

Cause. After review of Fowlkes' submission, the Board of Examiners determined that no

material facts related to his offense were in dispute since he admitted that he had pled guilty to

the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners

determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h).

The State Board of Examiners must now determine whether Fowlkes' offense as set forth

in the Order to Show Cause, provides just cause to act against his certificates pursuant to

N.J.A.C. 6A:9-17.5. It finds 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.* 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.

The Commissioner has long held that teachers serve as role models for their students. 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Fowlkes' acts of endangering the welfare of a child by having sexual contact with a student are inexcusable for any individual, teacher or not. Even if Fowlkes were an exceptional teacher in the classroom, he has not demonstrated like behavior outside that arena. Consequently, to fulfill its obligation to the schoolchildren of New Jersey, the State Board of Examiners must revoke Fowlkes' teaching certificates.

Accordingly, it is therefore ORDERED that Gerald Fowlkes' Teacher of Elementary School Certificate of Eligibility and Teacher of Elementary School certificate be revoked on this 24th day of February, 2005. It is further ORDERED that Fowlkes return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

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Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: MARCH 22, 2005

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