

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
COREY YOUNGER : ORDER OF SUSPENSION
_____ : DOCKET NO: 0405-186

At its meeting on May 9, 2004, the State Board of Examiners voted to issue Corey Younger an Order to Show Cause. The Order was predicated on charges of unbecoming conduct. Younger currently holds a Teacher of Health Education certificate, issued in June 1991, a Teacher of Driver Education certificate, issued in November 1991, a Supervisor certificate, issued in July 2001, and a Principal/Supervisor Certificate of Eligibility, issued in July 2001.

This case originated when the State-Operated School District of the City of Jersey City (hereafter Jersey City) certified tenure charges against Younger. *In the Matter of the Tenure Hearing of Corey Younger*, Docket No. 142-5/98. The allegations arose after the Division of Youth and Family Services (DYFS) investigated an incident involving Younger and several female students. DYFS substantiated findings that Younger had failed to provide appropriate supervision to students. In April 1998, as part of his coaching duties for Lincoln High School in Jersey City, Younger was present at the Penn Relays, a track meet in Pennsylvania. During the meet, Younger shared a hotel room with a substitute teacher, Rahim Wilson, and another coach, Eben Myers. Coach Myers invited some female students into the hotel room. According to the DYFS findings, the three coaches were drinking alcohol in the room while the students were there. Additionally, Younger did not stop Wilson from engaging in sexually suggestive conduct with one of the students.

Younger settled his tenure case with Jersey City. He agreed to resign from his tenured position and the district agreed to withdraw the tenure charges. Thereafter the Commissioner transmitted the matter to the State Board of Examiners. On May 9, 2002,

the Board of Examiners issued Younger an Order to Show Cause based upon the tenure allegations and the substantiated DYFS findings.

The Board sent Younger the Order to Show Cause by regular and certified mail on December 31, 2002. The Order provided that Younger's Answer was due within 20 days. Younger filed an Answer on January 17, 2003. In his Answer, Younger denied the allegations that he had engaged in inappropriate conduct. He stated that DYFS never investigated the incident until the tenure charges were well underway. (Answer, ¶ 3.) He stated that no student for whom he had been responsible leveled any allegation against him. (Answer, ¶ 3.) He added that he never let any adult engage in sexually suggestive conduct towards his students or the girls in question, who were students at another high school in Jersey City. (Answer, ¶ 3.) Younger added that no one in his room acted in an inappropriate way in his presence. (Answer, ¶ 3.) Finally, Younger admitted that he resigned his tenured position to settle the tenure matter and stated that he believed that because of his unblemished record he should retain his certificates. (Answer, ¶ 4).

The Board of Examiners transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Maria Mancini La Fiandra heard testimony and after both parties submitted post-hearing briefs, the record closed on September 7, 2004. ALJ La Fiandra issued her Initial Decision on December 6, 2004. *In the Matter of the Certificates of Corey Younger*, Docket No. EDE 3111-03 (December 6, 2004).

In that decision, ALJ La Fiandra issued findings of fact, which included determinations that Younger and his roommates had beer in the room, that the two female students spent time in the room at the invitation of Myers, the coach for the event, and that DYFS had substantiated the charges of neglect and failure to provide appropriate supervision against Younger. (Initial Decision, slip op. at 3.) ALJ La Fiandra also found that, at a minimum, Younger had exercised poor judgment by allowing female students to

spend a substantial amount of time in the room he shared with the two other coaches. (Initial Decision, slip op. at 4.) She also found that medication was inappropriately dispensed to one of the students. (Initial Decision, slip op. at 4.)

The ALJ found, however, that the Board of Examiners failed to sustain the burden of proving the most serious lapse in judgment against Younger, that is, exercising appropriate supervisory authority over the two students when another teacher was behaving in a wholly inappropriate manner. (Initial Decision, slip op. at 5.) The ALJ also held that the two students' testimony was contradictory and divergent regarding important details, including whether there was alcohol consumed. (Initial Decision, slip op. at 4.) She also noted that their testimony also varied from the statements they had provided during the DYFS investigation. (Initial Decision, slip op. at 4-5.) Accordingly, ALJ La Fiandra found that the students were not credible and that the Board of Examiners therefore had not proven the most serious charges against Younger. (Initial Decision, slip op. at 5.)

In determining the appropriate penalty, ALJ La Fiandra found that revocation was not warranted. (Initial Decision, slip op. at 5.) She determined that Younger's resignation from his tenured position would have a substantial impact upon him and was the appropriate penalty in this case. (Initial Decision, slip op. at 5.) Accordingly, ALJ La Fiandra dismissed the petition with prejudice. (Initial Decision, slip op. at 6.)

On December 16, 2004, the Deputy Attorney General (DAG) representing the State Board of Examiners filed exceptions to the ALJ's decision. In her exceptions, the DAG claimed that the ALJ erred in discounting the students' credibility simply because their testimony differed on "certain collateral matters." (Exceptions, p.2.) The DAG also took exception to the penalty the ALJ imposed. The DAG argued that allowing students to spend a substantial amount of time in his hotel room where there was alcohol present

and medication was inappropriately dispensed, demonstrates a gross lapse in judgment. (Exceptions, p. 4.) Accordingly, the DAG argued that Younger had engaged in conduct unbecoming a teacher that warranted a revocation of his teaching certificates. (Exceptions, p. 5.)

In reply exceptions, Younger argued that the ALJ had made correct credibility determinations regarding the students' testimony. He recounted their divergent testimony and stated, "their overall recitation of the facts was conflicting and not credible." (Reply Exceptions, p. 3.) Younger also claimed that the loss of his tenured position was the appropriate penalty for his only infraction, giving a Benadryl tablet to a student. (Reply Exceptions, p. 4.) Finally, Younger reiterated that up to and following that incident, he had an unblemished record. (Reply Exceptions, p. 4.)

At its meeting of January 20, 2005, the State Board of Examiners reviewed the Initial Decision, exceptions and reply exceptions. After full and fair consideration of all the submissions, the Board voted to adopt the Initial Decision, with modification. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. Furthermore, the Board of Examiners agrees that Younger exercised poor judgment in allowing female students to remain in his hotel room for a substantial amount of time, regardless of what behavior occurred. The Board cannot countenance this lack of judgment from an experienced teacher. Clearly, Younger has engaged in conduct unbecoming a teacher, one of the grounds for revocation or suspension of a teaching certificate. *N.J.A.C. 6A:9-17.5*. Accordingly, the remaining decision for this Board is one of penalty.

The Commissioner has long held that teachers serve as role models for their students. *In re Tenure of Sammons*, 1972 S.L.D. 302, 321. Moreover, 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). While the Board of Examiners agrees with ALJ La Fiandra that Younger's lapse here does not rise to a level warranting revocation, it cannot agree that his breach should go unpunished. The Board of Examiners would be remiss in its duty to protect the children of New Jersey if it did not act to reinforce its finding that Younger's behavior was serious and deviated from the standards expected of a teacher. Consequently, the Board believes that a two-year suspension of Younger's certificates is appropriate in this case.

Accordingly, it is therefore ORDERED that the Initial Decision in this matter is adopted, with modification and that Corey Younger's Principal/Supervisor Certificate of Eligibility and his Teacher of Health Education, Teacher of Driver Education and Supervisor certificates are suspended for a period of two calendar years beginning on this 20th day of January 2005. It is further ORDERED that Younger 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 for the period of the suspension.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: March 7 , 2005

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