

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
KEVIN CONROY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-106

At its meeting of October 28, 2004, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Kevin Conroy was convicted in 2002 on two counts of stalking. As a result of such conviction, Conroy was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Conroy currently holds a Teacher of Biological Science Certificate of Eligibility, issued in September 1998 and a Teacher of Biological Science certificate, issued in August 2001. Conroy did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Conroy an Order to Show Cause at its meeting of October 28, 2004.

The Board sent Conroy the Order to Show Cause by regular and certified mail on January 6, 2005. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Conroy must file an Answer within 30 days. Conroy did not respond to the Order. Thereafter, on February 15, 2005, the Board sent Conroy a second notice by regular and certified mail. The certified mail return receipt was returned and the regular mail copy was not. Once again, Conroy did not file a response. Both notices advised that if he did not respond to the charges in the Order, the Board would consider the matter based only on the information it already possessed.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Conroy's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of May 5, 2005, the State Board of Examiners reviewed the

charges in the Order to Show Cause. The Board of Examiners determined that no material facts related to Conroy's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of the offense. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Conroy's convictions and disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. Individuals convicted of a crime such as stalking fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of inappropriate behavior by teaching-staff members. "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.

In this case, Conroy has two convictions for stalking, a crime that resulted in his incarceration for four years. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E&A 1944). 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). Accordingly, the State Board of Examiners finds that Conroy's disqualification from

service in the public schools of this State because of his convictions for stalking provides just cause to take action against his certificates.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Conroy's offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Conroy's certificates.

Accordingly, it is therefore ORDERED that Kevin Conroy's Teacher of Biological Science Certificate of Eligibility and Teacher of Biological Science certificate be revoked on this 5th day of May 2005. It is further ORDERED that Conroy return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. 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: MAY 18, 2005

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