

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PETER HIGGINSON : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-260

At its meeting of May 4, 2006, the State Board of Examiners reviewed information received from the Camden County Prosecutor indicating that on September 24, 2001, Peter Higginson had pled guilty to charges of abuse and neglect. On November 2, 2001, Higginson was sentenced to two years' probation and fined. The court also ordered him to undergo psychiatric evaluation and treatment, if required. The court also ordered Higginson to forfeit his public position pursuant to *N.J.S.A. 2C:51-2(a)2* and disqualified him from any future public position pursuant to *N.J.S.A. 2C:51-2(d)*. Higginson currently holds a Teacher of Art certificate, issued in July 1983 and a Teacher of Elementary School certificate, issued in May 1986. Upon review of the above information, at its May 4, 2006 meeting, the State Board of Examiners voted to issue Higginson an Order to Show Cause. On June 8, 2006, the Board formally adopted its Order to Show Cause.

The Board sent Higginson the Order to Show Cause by regular and certified mail on July 10, 2006. The Order provided that Higginson's Answer was due within 30 days. Higginson submitted an Answer on August 2, 2006. In that response, he stated that he had pled guilty upon the advice of his lawyer who was preoccupied with another, bigger trial. (Answer, ¶ 4). He also stated that he could prove that his accuser was on the other side of the classroom on the day she accused him of abuse, but that the "evidence would be available to you, by invitation only." (Answer, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 21, 2006, the Board sent Higginson a hearing notice by regular and certified mail. The notice explained that since it

appeared no material facts were in dispute, Higginson 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 conviction warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Higginson responded on September 14, 2006. In his response he noted that he was willing to have his certificates suspended but not revoked because he had spent years as a talented teacher and well-respected individual in his community. (Hearing Response, p. 1.) He also stated that he hoped to continue to enrich students in the future. (Hearing Response, p. 1.) Higginson also attached reference letters to his response. (Hearing Response, p. 1.)

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Higginson's conviction constitutes conduct unbecoming a certificate holder. At its meeting of November 2, 2006, the State Board of Examiners reviewed the charges and papers Higginson filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Higginson's offense were in dispute since he never denied that he had pled guilty to the offense 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 issue before the State Board of Examiners in this matter, therefore, is whether Higginson's offense and the forfeiture of his certificates, 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.

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. Higginson’s acts of abuse and neglect 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 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, Higginson’s conduct is egregious because it was harmful to a child.

Accordingly, on November 2, 2006, the Board of Examiners voted to revoke Higginson’s certificates. On this 7th day of December 2006 the Board formally adopted its written decision to revoke and it is therefore ORDERED that Peter Higginson’s Teacher of Art and Teacher of Elementary School certificates be revoked effective this day. It is further ORDERED that Higginson 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.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: DECEMBER , 2006

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