

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JULIUS YOUNG : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-185

At its meeting of December 8, 2005, the State Board of Examiners reviewed information it had received regarding Julius Young. The Board of Examiners had information that Young had used physical force on a student. Young currently holds a Teacher of Elementary School Certificate of Eligibility, issued in August 2000.

This case originated in 2003 when Julius Young filed an appeal with the State Board of Examiners to challenge the disapproved rating he had received in the Provisional Teacher Program (PTP). The Promise Charter School had removed him from his teaching position after he had used physical force on a student.

The Board of Examiners transferred Young's appeal to the Office of Administrative Law (OAL) for a hearing. Administrative Law Judge (ALJ) Donald Stein heard the matter on the papers and issued an Initial Decision on November 30, 2004. *In the Matter of the Certificate of Julius Young*, OAL Dkt. No. EDE 2372-04 (Initial Decision, November 30, 2004).

ALJ Stein found that on March 14, 2002, Young was monitoring students who were waiting for bus transportation. During his supervision of the students, Young choked a student into unconsciousness. (Initial Decision, slip op. at 3). Four witnesses supported the allegation that Young choked the student for 20 seconds, causing him to become unconscious. Moreover Young signed a written statement admitting he forcefully grabbed the student by the neck for 20 seconds. Also, Young apparently told the student "don't you know, I can kill you." (Initial Decision, slip op. at 4).

ALJ Stein also found that when called before the charter school's Board of Trustees, Young admitted choking the student but neither clarified how the incident happened nor claimed that he had acted in self-defense. (Initial Decision, slip op. at 4). Judge Stein also noted that Young did not apologize or express any remorse for his actions. (Initial Decision, slip op. at 4).

The ALJ ruled that Young had violated school policy and State law by engaging in corporal punishment and physical restraint of the student. (Initial Decision, slip op. at 6). Moreover, ALJ Stein also held that the charter school was not arbitrary or capricious in giving Young a disapproved rating. (Initial Decision, slip op. at 6). The ALJ therefore concluded that Young had "failed to prove that he is entitled to receive an approval rating under the Provisional Teacher Program from the respondent school." (Initial Decision, slip op. at 7). The ALJ therefore ordered that Young's appeal should be denied. (Initial Decision, slip op. at 7).

In a decision dated January 20, 2005, the State Board of Examiners adopted the ALJ's Initial Decision in its entirety. *In the Matter of the Certificate of Julius Young*, Dkt. No. 0304-228 (Bd. of Examiners' Decision, January 20, 2005). The Board of Examiners agreed with the ALJ that Young's behavior constituted corporal punishment and that he had engaged in conduct unbecoming a teacher. (Bd. of Examiners' Decision, slip op. at 2-3). Accordingly, the Board of Examiners affirmed the denial of Young's appeal of his disapproved rating in the PTP. (Bd. of Examiners' Decision, slip op. at 3).

Thereafter, on December 8, 2005, the State Board of Examiners issued Young an Order to Show Cause as to why his Teacher of Elementary School Certificate of Eligibility should not be suspended or revoked. The Order was predicated on Young's disapproved rating in the PTP and his conduct in abusing the student.

The Board sent Young the Order to Show Cause by regular and certified mail on January 6, 2006. The Order provided that Young's Answer was due within 30 days. Young filed an Answer on February 1, 2006. In his Answer Young admitted that the charter school had removed him from his teaching position. (Answer, ¶ 2). He claimed that the student had punched him in the back and that he was defending himself. (Answer, ¶ 2). In the remainder of his Answer, Young added that since leaving the charter school he had taught successfully in Washington DC and had become a police officer. (Answer, ¶¶ 3, 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 3, 2006, the Board sent Young a hearing notice by regular and certified mail. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, he 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 certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Young signed for the certified mail copy of the Hearing Notice. The regular mail copy was not returned. Young did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Young's conduct and his disapproved rating in the PTP program constitute conduct unbecoming a certificate holder. At its meeting of June 8, 2006, the State Board of Examiners reviewed the charges and papers Young filed in response to the Order to Show Cause. After reviewing his response, the Board of Examiners determined that no material facts related to Young's offense were in dispute since he did not deny choking the student or receiving a

disapproved rating. Thus, Young has not denied the charges in the Order to Show Cause. Accordingly, his physical abuse of a student and his subsequent receipt of a disapproved rating in the PTP constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Young's offense as set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board 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*. 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). "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. There can be no dispute that Young's choking a student into unconsciousness negates any claim he can have to self-restraint. His inability to control his anger and the wholly inappropriate response to a possible student provocation speaks volumes about his lack of control. This volatility does not belong in a classroom. The Board of Examiners had already reached that conclusion when it affirmed Young's disapproved rating in the PTP, thereby denying his ability to secure a standard teaching certificate. However, because Young still holds a Certificate of Eligibility, the only proper response to his breach is revocation of his Certificate of Eligibility.

Notwithstanding Young's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate

holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” See *In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 N.J.A.R. 2D (EDE) 1, 16 *aff’d*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Young has successfully taught elsewhere or changed careers, has no bearing on the decision the Board of Examiners must make with regard to his Certificate of Eligibility.

Accordingly, pursuant to the Board of Examiners’ vote, it is therefore ORDERED that Julius Young’s Teacher of Elementary School Certificate of Eligibility be revoked effective this 20th day of July 2006. It is further ORDERED that Young return his certificate 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: July 24, 2006

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