

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN COLLIER : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-154

At its meeting of September 21, 2006, the State Board of Examiners reviewed information received from the Attorney General's Office indicating that on April 27, 2004, John Collier had pled guilty to charges of simple assault. On April 24, 2007, Collier was fined and ordered to forfeit his public employment. He was also barred from holding public office in the State of New Jersey. Collier currently holds a Teacher of Industrial Arts certificate, issued in June 1990, a Principal/Supervisor Certificate of Eligibility, issued in July 1997, and a Principal/Supervisor certificate, issued in September 2001. Upon review of the above information, at its November 2, 2006, meeting, the State Board of Examiners voted to issue Collier an Order to Show Cause.

The Board sent Collier the Order to Show Cause by regular and certified mail on November 13, 2006. The Order provided that Collier's Answer was due within 30 days. Collier filed his response on February 23, 2006. In that Answer, Collier admitted that he pled guilty to simple assault and forfeited his public employment. (Answer, ¶ 3). Collier denied that there was a sufficient basis to consider the suspension or revocation of his certificates. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 8, 2007, the Board of Examiners sent Collier a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Collier 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 Collier's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail receipt was signed and returned and the regular mail copy was not returned. Collier did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Collier's guilty plea to simple assault and the subsequent forfeiture of his public employment and permanent bar from holding public office constitutes conduct unbecoming a certificate holder. At its meeting of June 7, 2007, the State Board of Examiners reviewed the charges and papers Collier filed in response to the Order to Show Cause. After review of Collier's submissions, 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 Collier's 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*. 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*. "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. Collier's acts of committing simple assault against a

student are inexcusable for any individual, teacher or not. The court recognized this when it ordered him to forfeit his teaching position and barred him from holding a public position in this State.

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, Collier's behavior falls far short of that expected of a role model for students.

Accordingly, on June 7, 2007, the Board of Examiners voted to revoke Collier's Principal/Supervisor Certificate of Eligibility, and his Teacher of Industrial Arts and Principal/Supervisor certificates. On this 19th day of July 2007 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of John Collier's certificates be effective immediately. It is further ORDERED that Collier return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing: JULY 20th, 2007

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