

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
RICKEY SULLIVAN : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-129

At its meeting of November 2, 2006, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Rickey Sullivan was convicted in 2006 for 2nd degree attempting to elude police. As a result of such conviction, Sullivan was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Sullivan currently holds a County Substitute credential, issued in November 2004.

Sullivan 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 Sullivan an Order to Show Cause at its meeting of December 7, 2006.

The Board sent Sullivan the Order to Show Cause by regular and certified mail on December 19, 2006. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. The Order provided that Sullivan must file an Answer within 30 days. Sullivan did not respond to the Order. Thereafter, on January 26, 2007, the Board sent Sullivan a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. The notice explained that if he did not file a response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Sullivan did not file an Answer.

At its meeting of March 29, 2007, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Sullivan's offense were in dispute since he had never denied that he

had been convicted of the offense nor did he deny the resulting disqualification. 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 Sullivan's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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 unsuitable to be teachers. Individuals convicted of a crime such as eluding police fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers should serve as role models for students. "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, Sullivan has a conviction for attempting to elude police. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his credential. *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 Sullivan's disqualification from service in the public schools of this State

because of his conviction for attempting to elude police provides just cause to take action against his credential.

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 credential 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 Sullivan's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on March 29, 2007, the Board of Examiners voted to revoke Sullivan's credential. On this 3rd day of May 2007, the Board formally adopted its written decision to revoke and it is therefore ORDERED that Rickey Sullivan's County Substitute credential be revoked effective this day. It is further ORDERED that Sullivan return his credential to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: MAY 4, 2007

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