

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JAMES CRAIG : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-181

At its meeting of April 29, 2010, the State Board of Examiners (Board) reviewed information received from the Emerson School District (Emerson) regarding James Craig. Emerson reported that Craig had resigned from his tenured position in January 2010, after acknowledging that he had had an emotional relationship with a student. According to Craig, the relationship did not become physical until after the student had graduated. Craig currently holds a Teacher of Social Studies Certificate of Eligibility, issued in August 2003 and a Teacher of Social Studies certificate, issued in July 2004. Upon review of the above information, at its June 10, 2010 meeting, the Board voted to issue Craig an Order to Show Cause.

The Board sent Craig the Order to Show Cause by regular and certified mail on June 21, 2010. The certified mail receipt was signed by Craig and returned. The regular mail copy was not returned. The Order provided that Craig must file an Answer within 30 days. Craig did not file an Answer. Thereafter, on August 2, 2010, the Board sent Craig another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was signed by Craig and returned. The regular mail copy was not returned. Craig did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 30, 2010, the Board sent Craig a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Craig 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also

explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Craig's conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Craig was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Craig did not file a response.

The threshold issue before the Board in this matter is whether Craig's conduct, as set forth in the Order to Show Cause, constitutes conduct unbecoming a certificate holder. Since Craig failed to respond to the Order to Show Cause or the hearing notice, at its meeting of October 28, 2010, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Craig's conduct were in dispute since he never denied that he had engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Craig's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Craig's conduct in engaging in an emotional relationship with a

student is inappropriate and crosses the boundary of acceptable teacher behavior. In this instance, Craig's lack of professional judgment warrants revocation.

Accordingly, on October 28, 2010, the Board voted to revoke James Craig's Teacher of Social Studies Certificate of Eligibility and his Teacher of Social Studies certificate. On this 9th day of December 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Craig's certificates be effective immediately. It is further ORDERED that Craig return his certificates 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, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.