

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE APPLICATION FOR	:	STATE BOARD OF EXAMINERS
CERTIFICATION AFTER	:	DECISION
REVOCATION	:	DOCKET NO. 0506-185
OF	:	
JULIUS YOUNG	:	
_____	:	

On July 20, 2006, the State Board of Examiners (Board) voted to revoke Julius Young’s certificate as a result of his conduct on March 14, 2002 when he choked a student into unconsciousness. *In the Matter of the Certificate of Julius Young*, Docket No. 0506-185 (Bd. of Examiners, July 20, 2006). Young previously held a Teacher of Elementary School Certificate of Eligibility, issued in August 2000.

Young is now seeking certification after revocation. In support of his application, Young submitted a letter which recounted his accomplishments since the revocation. Young indicated that he had taught 6<sup>th</sup> grade in Washington, D.C. from 2002-2004. (Letter, June 4, 2010, p. 1). He stated that he taught “in highly stressful urban areas in a disciplined fashion.” He also noted that in 2004, he became a Uniformed Protection Officer under contract with the State Department, where he was armed and protected the well being of domestic and foreign dignitaries as well as general State Department employees. (Letter, June 4, 2010, p. 1). Young added that he was also a Cleared American Guard who was responsible for security of overseas building construction supervised by the Department of State and worked in Algeria, Bosnia-Herzegovina and Fiji. (Letter, June 4, 2010, p. 1). He stated that during periods of inactivity as a CAG he worked as a substitute teacher and realized that “teaching is my true calling.” (Letter, June 4, 2010, p. 1). He was also accepted into a master’s program for history and was to start in August 2010. (Letter, June 4, 2010, pp. 1-2). Young argued that the events of 2002 should not

ban him from being a teacher in New Jersey ever again and that his “extensive national and international work experience show my patience and determination to finish a task.” (Letter, June 4, 2010, p. 2). In another letter to the Board, Young emphasized that “March 14, 2002 was an unfortunate day marred by disproportionate force but should not forever besmirch my abilities as a teacher.” (Letter, July 6, 2010, p. 1). Young noted that his revocation was due to “corporal punishment when I responded when a student hit me in the back first, not a crime.” (Letter, July 6, 2010, p. 1). He argued that his work since then should suffice as rehabilitation and that “my behavior and work as a teacher show I have reformed.” (Letter, July 6, 2010, p. 1).

Young also testified at the Board’s meeting on March 31, 2011. In his testimony, Young reiterated his work history since 2002 and stated that he believed he had done enough to get a new certificate. He added that he thought he could be an asset to New Jersey. Young noted that in the incident, he had been hit first and that he did not feel safe, but that now he would walk away. He stated that since he had been in high threat levels around the world he knows how to get out of a situation in a non-confrontational manner. Young claimed that he had been in a classroom since the incident and nothing ever happened again. Finally, he reminded the Board that the incident happened when he was 23 years old at the end of his second year of teaching and that the student who hit him was 15.

*N.J.A.C. 6A:9-17.10*, which governs applications for certification after revocation, provides:

(a) A certificate that has been revoked for any of the grounds set forth in this chapter shall not be reinstated. An individual who has had a certificate revoked may file an application for a new certificate with the Board of Examiners.

(b) The Board of Examiners shall not issue a new certificate to a candidate whose certificate(s) has been revoked unless the following conditions are met:

1. The candidate shall satisfy all criteria for the issuance of the certificate that are in effect at the time of the application for the new certificate;
  2. At least four years shall have passed since the effective date of the revocation of the previous certificate;
  3. The candidate shall have provided evidence demonstrating rehabilitation for the unbecoming conduct, incompetence, or other cause for the revocation;
  4. If the basis for the revocation was the conviction of a crime that is not disqualifying under N.J.S.A. 18A:6-7.1 et seq., the candidate shall have submitted evidence to the Board of Examiners that he or she has been fully rehabilitated in accord with the factors set forth in N.J.S.A. 2A:168A-2 and that issuing a certificate to the candidate would not be detrimental to the public welfare;
  5. The candidate shall have complied with all conditions imposed by the order of revocation; and
  6. If the revocation arose from a criminal matter involving the candidate, the candidate shall have provided evidence that he or she has satisfied any conditions imposed by the court, probation, plea bargain agreement or any other entity.
- (c) Notwithstanding the provisions of (b) above, the Board of Examiners shall not issue a new certificate to any candidate who is:
1. Ordered to forfeit certification as part of a settlement in a tenure or criminal proceeding;
  2. Barred from teaching again in the State of New Jersey by order of a court of competent jurisdiction;
  3. Ordered to forfeit certification as part of a plea bargain;
  4. Ordered to forfeit certification as a condition for entrance into a pre-trial intervention program as set forth in Rule 3.28 of the New Jersey Court Rules;
  5. Ordered to forfeit certification pursuant to a sentence imposed in a criminal proceeding;
  6. Barred from teaching for any reason; or

7. Relinquishing his or her certificate pursuant to N.J.A.C. 6A:9-17.11.

Of particular relevance to Young's current application is subsection (a)3, which provides that the Board shall not issue a certificate to an individual after revocation when that candidate has not provided evidence demonstrating rehabilitation for the unbecoming conduct, incompetence, or other cause for the revocation. Nothing in the record before us convinces the Board that Young has met his burden of proving rehabilitation. Pursuant to *N.J.A.C. 6A:9-17.10*, Young must provide information to this tribunal as to the circumstances leading to the revocation of his prior certificate and demonstrate rehabilitation that warrants the issuance of a new one. Although Young was never convicted of a crime for his conduct, in determining whether Young has been rehabilitated, the Board finds instructive the factors listed in the Rehabilitated Convicted Offenders Act, *N.J.S.A. 2A:168A-1 et seq.*

Pursuant to that Act, an applicant for a license or certificate of authority or qualification to engage in the practice of a profession or business cannot be disqualified or discriminated against based upon a prior conviction unless the "conviction for a crime relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought." *N.J.S.A. 2A:168A-2*. In order to make that determination, the licensing authority looks at several factors:

- a. The nature and duties of the occupation, trade, vocation, profession or business, a license or certificate for which the person is applying;
- b. Nature and seriousness of the crime;
- c. Circumstances under which the crime occurred;
- d. Date of the crime;

- e. Age of the person when the crime was committed;
- f. Whether the crime was an isolated or repeated incident;
- g. Social conditions which may have contributed to the crime;
- h. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision. *Ibid.*

Looking at both the statutory criteria and the requirements of *N.J.A.C. 6A:9-17.10*, it is clear that Young is not a viable candidate for certification.

After a thorough review of Young's submissions and his testimony, the Board of Examiners determines that he has not adequately demonstrated rehabilitation. Young has provided letters of reference as to both his character and employment ethic. Yet the Board of Examiners found that the evidence of rehabilitation submitted cannot adequately mitigate his deplorable conduct with a student so many years ago. The egregiousness of his behavior cannot be overlooked or easily excused.

Clearly, Young cannot lay claim to being a role model for students. While some of the children he has taught since 2002 may attest to what a wonderful job he did, those same students (and their parents) would likely feel discomfited if they knew he had choked a student into unconsciousness after being hit on the back. Nothing has changed since the incident other than the passage of time and his claim to appreciate now the boundaries which exist between teachers and students. Yet, even today, Young expresses little to no remorse for his behavior. Young was not fit to teach in New Jersey when his certificate was revoked in 2002 and he is not fit to

teach here now. Absent a demonstration of compliance with *N.J.A.C.* 6A:9-17.10(b)'s requirements, this Board finds no basis upon which to overturn that determination.

Accordingly, for the foregoing reasons, on July 28, 2011, the Board voted to deny Julius Young's application for certification after revocation for a Teacher of Elementary School Certificate of Eligibility. On this 22nd day of September 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the application of Julius Young for certification after revocation is denied effective immediately.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-9.

RRH:MZ:JuliusYoung