

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ARNALDO RODRIGUEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-227

At its meeting of June 21, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Passaic County Prosecutor's Office (PCPO) regarding Arnaldo Rodriguez. On May 24, 2012, Rodriguez was convicted of Endangering the Welfare of Children. As a result of the conviction, Rodriguez was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Rodriguez currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in February 2006 and a Teacher of Elementary School certificate, issued in August 2009.

Rodriguez did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of July 26, 2012 to issue Rodriguez an Order to Show Cause why his certificates should not be revoked.

The Board sent Rodriguez the Order to Show Cause by regular and certified mail on August 2, 2012. The Order provided that Rodriguez must file an Answer within 30 days. The certified mail copy was returned as "Unclaimed." The regular mail copy was not returned. Rodriguez did not file a response. Thereafter, on September 25, 2012, the Board sent Rodriguez 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 returned as "Unclaimed" and the regular mail copy was not returned. Rodriguez never filed a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on October 22, 2012, the Board sent Rodriguez a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Rodriguez 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 found just cause 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 his disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Rodriguez 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. Once again, Rodriguez did not respond.

The threshold issue before the Board in this matter is whether Rodriguez’ conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Rodriguez failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 25, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Rodriguez’ offense were in dispute since he never denied that he had been convicted of the offense charged or disqualified from public employment. 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 Rodriguez' conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

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 to be a danger. Individuals convicted of a crime such as Endangering the Welfare of Children fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must serve as role models for their 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. Clearly, Rodriguez' actions here are not those of a role model.

The 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 Board 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 certificate 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 Rodriguez' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on January 25, 2013, the Board voted to revoke Arnaldo Rodriguez' Teacher of Elementary School Certificate of Eligibility With Advanced Standing, and Teacher of Elementary School certificate. On this 28th day of February 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Arnaldo Rodriguez'

certificates be effective immediately. It is further ORDERED that Rodriguez 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 the provisions of *N.J.S.A.* 18A:6-38.4.