

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DANIEL PADILLA : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-205

At its meeting of May 17, 2012, the State Board of Examiners (Board) reviewed information the Middletown School District (Middletown) had forwarded pursuant to N.J.A.C. 6A:9-17.4 regarding Daniel Padilla. Middletown reported that Padilla had resigned from his non-tenured teaching position as a result of allegations that he had exchanged sexually explicit text messages with a student. Specifically, Middletown alleged that Padilla had sent several inappropriate texts to a student, detailing sexual acts Padilla wished to engage in with the student. Padilla currently holds a Teacher of Chemistry Certificate of Eligibility, issued in June 2008, a Teacher of Chemistry certificate, issued in April 2010 and a Teacher of Biological Science certificate, issued in September 2011. Upon review of the above information, at its June 21, 2012 meeting, the Board voted to issue Padilla an Order to Show Cause.

The Board sent Padilla the Order to Show Cause by regular and certified mail on June 25, 2012. The Order provided that Padilla had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Padilla did not respond. Thereafter, on July 31, 2012, the Board sent Padilla 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 copy was not returned. Padilla did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 21, 2012, the Board sent Padilla a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Padilla 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 Padilla's offenses warranted

action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Padilla was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Padilla did not respond.

The threshold issue before the Board in this matter is whether Padilla's conduct constitutes conduct unbecoming a certificate holder. Since Padilla failed to respond to the Order to Show Cause or the hearing notice, at its meeting of November 30, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Padilla's offense were in dispute since he never denied that he had engaged in the alleged behavior. 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 Padilla's conduct, 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 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. In this matter, Padilla's act of sending inappropriate and sexually graphic text messages to a student is inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher who has engaged in inappropriate behavior with a student cannot claim status as a role model to anyone. Padilla's conduct therefore warrants the revocation of his certificates.

Accordingly, on November 30, 2012, the Board voted to revoke Padilla's Teacher of Chemistry Certificate of Eligibility and his Teacher of Chemistry and Teacher of Biological Science certificates. On

this 25th day of January 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Daniel Padilla's certificates be effective immediately. It is further ORDERED that Padilla return his certificate 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*.

RRH:MZ:th