

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF	:	STATE BOARD OF EXAMINERS
ADRIAN A. MCCONNEY	:	ORDER OF SUSPENSION
_____	:	DOCKET NO: 1314-131

At its meeting of September 17, 2015, the State Board of Examiners (Board) reviewed information received from the Middlesex County Prosecutor's Office and the Criminal History Review Unit regarding Adrian A. McConney. In 2013, McConney was indicted on a charge of Official Misconduct. The indictment alleged that McConney had engaged in sexual conduct with a student. (Although the indictment was dismissed by the trial court in 2014, it was reinstated by the Appellate Division on July 31, 2015.) If convicted, McConney would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* McConney currently holds a Teacher of Health and Physical Education Certificate of Eligibility, issued in October 2000, a Teacher of Health and Physical Education certificate, issued in April 2002 and a Teacher of Driver Education certificate, issued in November 2008. Upon review of the above information, at its meeting of October 30, 2015, the Board voted to issue McConney an Order to Show Cause as to why his certificates should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent McConney the Order to Show Cause by regular and certified mail on November 4, 2015. The Order provided that McConney must file an Answer within 30 days. McConney filed an Answer on December 3, 2015. In that Answer, McConney admitted that he was indicted but denied that he committed Official Misconduct or any other related criminal offense. (Answer, ¶ 3). He also denied that he would be disqualified if he were convicted of Official Misconduct. (Answer, ¶ 3). McConney also stated that he should be permitted to

maintain his certificates pending the outcome of the criminal proceedings against him. (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on February 17, 2016, the Board sent McConney a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, McConney 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 offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. McConney was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time in which to file his reply, McConney responded on April 1, 2016. In that letter, McConney stated that the pendency of the criminal charges should not result in the suspension of his certificates because: it would be unfair and premature as the Board could not know the outcome of the criminal litigation; he had left his teaching position as a result of the charges and could not likely return to teaching until the charges were resolved; and it would be an unfair form of punishment for him based on criminal charges that had not yet proved to be true. (Hearing Response, pp. 1-2). He also urged the Board to forgo suspending his certificates during the pendency of the criminal charges filed against him. (Hearing Response, p. 2). McConney did not ask to appear before the Board.

The threshold issue before the Board in this matter, therefore, is whether McConney's conduct underlying his indictment constitutes conduct unbecoming a certificate holder. At its

meeting of May 20, 2016, the Board considered the allegations in the Order to Show Cause, McConney's Answer and his Hearing Response. The Board determined that no material facts related to McConney's offense were in dispute since he admitted that he had been indicted for the offenses charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.7(h).

The Board must now determine whether McConney's conduct and charges, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.5. The Board finds that they do.

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:9B-4.5. 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 dangerous. Individuals convicted of crimes such as Official Misconduct fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must 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.

Moreover, 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). In this case, McConney has been indicted for an offense involving sexual conduct with a student. The Board therefore finds that McConney's potential

disqualification from service in the public schools of this State because of his indictment for Official Misconduct provides just cause to take action against his certificates.

Accordingly, on May 20, 2016, the Board voted to suspend McConney's certificates pending resolution of the criminal proceedings against him. On this 23rd day of June 2016, the Board formally adopted its written decision to suspend and it is therefore ORDERED that Adrian A. McConney's Teacher of Health and Physical Education Certificate of Eligibility and his Teacher of Health and Physical Education and Teacher of Driver Education certificates be suspended effective this day. If the charges are resolved in his favor, he shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that McConney return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

RRH/MZ/th

Date of Mailing:  
via certified and regular mail

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