

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF	:	STATE BOARD OF EXAMINERS
DONALD DEWITT	:	ORDER OF REVOCATION
_____	:	DOCKET NO: 1617-112

At its meeting of November 1, 2016, the State Board of Examiners (Board) reviewed information received from the Department of Children and Families, Institutional Abuse Investigation Unit (IAIU) and the Superior Court of New Jersey, Bergen County regarding Donald DeWitt. On February 17, 2016, DeWitt pled guilty to 2nd degree Endangering-Abuse/Neglect/Sexual Act by Caretaker. On June 24, 2016, he was sentenced to four years in prison, ordered to have no contact with the victim and subjected to Megan’s Law and parole supervision for life. The IAIU also investigated the allegations against DeWitt and substantiated Sexual Abuse/Sexual Molestation. DeWitt currently holds a Teacher of Biological Science certificate, issued in August 1993. Upon review of the above information, at its meeting of November 1, 2016, the Board voted to issue DeWitt an Order to Show Cause as to why his certificate should not be revoked.

The Board sent DeWitt the Order to Show Cause by regular and certified mail on December 20, 2016. The Order provided that DeWitt must file an Answer within 30 days. DeWitt filed an Answer on February 6, 2017. In that Answer, DeWitt admitted to all of the allegations in the Order to Show Cause. (Answer, ¶¶ 1-4). He also apologized for the “embarrassment and dismay I have caused.” (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 16, 2017, the Board sent DeWitt a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, DeWitt 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 certificate. 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 certificate. Thereupon, the Board would also determine the appropriate sanction, if any. DeWitt 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. DeWitt did not respond.

The threshold issue before the Board in this matter, therefore, is whether DeWitt's conduct and conviction constitute conduct unbecoming a certificate holder. At its meeting of June 15, 2017, the Board considered the allegations in the Order to Show Cause and DeWitt's Answer. The Board determined that no material facts related to DeWitt's offense were in dispute since he admitted to all of the allegations in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether DeWitt's conduct and conviction, as set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. 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-4.4*. "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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944).

In this case, DeWitt has been convicted of an offense involving sexual conduct with a minor. The Board therefore finds that the only appropriate response to DeWitt's conduct is the revocation of his certificate.

Accordingly, on June 15, 2017, the Board voted to revoke DeWitt's certificate. On this 27th day of July 2017, the Board formally adopted its written decision to revoke and it is therefore ORDERED that Donald DeWitt's Teacher of Biological Science certificate be revoked, effective immediately. It is further ORDERED that DeWitt return his certificate 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.

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.