

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
JAMES C. CRAIG : ORDER OF REVOCATION

DOCKET NO. 315-06/95-115

At its meeting of June 15, 1995, the State Board of Examiners reviewed information provided by the Office of Criminal History Review indicating that James C. Craig was disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 et seq., based on his January 1991 assault conviction. The appeal of his disqualification before the Commissioner of Education was denied. Respondent currently holds a county substitute license.

At that meeting the State Board of Examiners voted that said conviction constituted sufficient grounds for issuing an Order to Show Cause. The Order to Show Cause was mailed to Respondent by regular and certified mail on or about July 11, 1995. Said Order provided that if Respondent desired to file an Answer to said Order such answer must be filed within twenty (20) days. Said Answer was received from Respondent on August 1, 1995.

Thereafter, two cases decided by the State Board of Examiners were appealed to the State Board of Education that affected the hearing process before the State Board of Examiners. The first was captioned, In the Matter of the Revocation of the Teaching Certificates of Philip Sheridan by the State Board of Examiners, Dkt. No. 185-4/92-07, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Education, September 7, 1994, Decision on Remand, June 15, 1995. The other was In the Matter of the Revocation of the Teaching Certificates of Charles Vitola by the State Board of Examiners, Dkt. No. 178-12/91-08, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Education, November 2, 1994, Decision on Remand, September 1, 1995. Within those two cases

the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which materials facts are not in dispute. During the process of codifying the new hearing procedure, which was finalized in May of 1997, all hearings before the State Board of Examiners were held in abeyance.

On July 11, 1997, a hearing notice was mailed by regular and certified mail to Respondent regarding the new hearing procedures embodied in N.J.A.C. 6:11-3.6(a)1. Said notice explained that it appearing that no materials were in dispute, Respondent was being provided the opportunity to offer legal argument regarding whether his disqualification from public school employment based on his January 1991 assault conviction constituted conduct unbecoming a teaching staff member sufficient to warrant suspension or revocation of his license. The certified mail was returned unclaimed. The regular mail copy was not returned. No response was received from, or on behalf of, James Craig. On September 2, 1997, Respondent was advised by certified and regular mail that he was being provided an additional ten (10) days to file a response to the initial hearing notice. The certified mail was returned unclaimed. The regular mail copy was returned, specifying that Respondent had moved and left no forwarding address.

Respondent's Answer to the Order to Show Cause admits that he has a conviction on his record for simple disorderly persons assault for which he was fined \$400. He indicates the incident occurred when he was 18 years old, and that since then he has matured greatly. He further states he joined the Marine Corps at 19 years old, served his enlistment and then attended Campbell University where he received his bachelor's degree in business. After his discharge from the military he applied for a county substitute license. Respondent states this is the sole

conviction and that the matter has been an embarrassment. He asks that he be allowed to be a substitute teacher.

Respondent has been convicted of a crime of violence for which he was disqualified from public school service pursuant to N.J.S.A. 18A:6-7.1. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to hold a license to teach. In re Grossman, 127 N.J. Super. 13, 30 (App. Div. 1974). Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). "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. Conviction of a crime of violence casts grave doubts upon the respondent's character and, hence, his fitness to remain in the classroom. Parents have the right to be assured that their children will not be subjected to one who could not govern himself.

Accordingly, the State Board of Examiners finds respondent's conviction and disqualification conduct unbecoming a certificate holder. The appropriate penalty for his unbecoming conduct is the revocation of Respondent's teaching license.

It is, therefore ORDERED that James C. Craig's County Substitute license be revoked on this 20th day of November 1997.

It is further ORDERED that James C. Craig return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 5003, Trenton, NJ 08625-05003 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: January 27, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A.
18A:6-28.

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