

conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Shorter did not submit a response although he did sign the certified mail return receipt card.

At its meeting of September 24, 1998, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Shorter had failed to respond properly to the Order to Show Cause or to respond at all to the hearing notice, the State Board of Examiners had only a faulty responsive pleading to consider in the hearing process. After this review, the Board of Examiners determined that no material facts related to respondent's offenses were in dispute. Shorter never denied that he had committed the offenses mentioned in the Order to Show Cause and in fact admitted that he had willfully withheld information regarding his criminal background on his certification application.

It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. The issue before the State Board of Examiners in this matter, therefore, is to determine whether Shorter's disqualifying offenses (which were predicated on the same offenses as were set forth in the Order to Show Cause), as well as his failure to report them justify action against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1.

In enacting the Criminal History Review statute, N.J.S.A. 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 to them. Individuals convicted of a crime of violence fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of acts of violence by teaching-staff members. "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 case, Shorter has not one, but two convictions for a violent crime within sixteen months of each other. That is not the hallmark of an individual who knows the meaning of restraint. Rather, it demonstrates that this person should not be in daily or even intermittent contact with school-age children. Accordingly, the State Board of Examiners finds that Shorter’s disqualification from service in the public schools of this State because of his convictions for assault provides just cause to take action against his certificate.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners 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.

In addition, Shorter’s failure to report his convictions on his certification application must give the Board of Examiners pause. Shorter’s dishonesty, coupled with his convictions, makes it clear that he is not fit to hold a position of authority in a classroom. Thus, because the Legislature considers Respondent’s offenses so significant, and because Shorter failed to disclose his criminal convictions, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Shorter’s County Substitute certificate.

Accordingly, it is therefore ORDERED that Calvin Shorter's County Substitute certificate be revoked on this 24th day of September, 1998. It is further ORDERED that Calvin B. Shorter return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: November 6, 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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