

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
STEPHEN BRANCH : ORDER OF REVOCATION
_____ : DOCKET NO: 484-09/98-173

At its meeting of September 24, 1998, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that respondent Stephen Branch had pled guilty to charges of cruelty to a child in the 4th degree. As a result of such conviction, Respondent was sentenced to five years' probation and was forever disqualified from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to N.J.S.A. 2C:51-2c. Upon review of the above-mentioned information, the State Board of Examiners voted to issue an Order to Show Cause to Respondent at that September meeting.

The Order to Show Cause was mailed to Branch by regular and certified mail on October 21, 1998. The Order provided that if Respondent desired to file an Answer to the Order, such Answer must be filed within 20 days. Although the certified mail card was signed and returned, Branch did not respond to the Order. On January 28, 1999, the Board of Examiners gave Branch an additional 10 days to file a response. Again, Branch signed for the certified mail but did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Branch's conviction and subsequent disqualification from holding any position of honor or trust in this state constitutes conduct unbecoming a certificate holder. Since Branch failed to respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the

charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Respondent's conviction and subsequent disqualification, as set forth in the Order to Show Cause, represent just cause to act against Respondent's certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The Commissioner has long-recognized that: "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, Branch has a conviction for a crime that directly involved a student under his care. 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). Accordingly, the State Board of Examiners finds that Branch's disqualification from service in the public schools of this State because of his conviction for cruelty to a child in the 4th degree provides just cause to take action against his certificate.

Moreover, pursuant to N.J.S.A. 2C:51-2c, Branch's permanent disqualification from holding "any office or position of honor, trust or profit" in this State lends 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 public service be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Respondent's offenses so significant, the State Board of Examiners

believes that the only appropriate sanction in this case is the revocation of Branch's Secondary School Teacher of Mathematics and Supervisor certificates.

Accordingly, it is therefore ORDERED that Stephen Branch's Secondary School Teacher of Mathematics and Supervisor certificates be revoked on this 15th day of April, 1999.

Secretary
State Board of Examiners

Date of Mailing: May 4, 1999

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

IBG:MZ:br:stephenbranch