

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
REGINALD BOSWELL : ORDER OF REVOCATION
_____ : DOCKET NO: 626-04/01-293

At its meeting of April 5, 2001, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Reginald Boswell was convicted in 1990 on charges of robbery. As a result of that conviction, Boswell was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Boswell did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at that meeting, the State Board of Examiners voted to issue Boswell an Order to Show Cause. Boswell currently holds a Teacher of Social Studies Certificate of Eligibility with Advanced Standing.

The Board mailed the Order to Show Cause to Boswell by regular and certified mail on July 16, 2001. The Order provided that an Answer must be filed within 20 days. Boswell responded to the Order to Show Cause on August 4, 2001. In that reply he indicated his regret at misrepresenting his robbery conviction on his certification application. He also urged the Board of Examiners not to revoke his certificate because he believed he had a gift for teaching and wanted to use his credentials to work with non-profit organizations. (Answer, p.1.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on April 9, 2002, the Board sent Boswell a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding his robbery conviction, Boswell 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. 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 disqualification warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Boswell responded to the Hearing Notice on April 29, 2002. In that response he talked about how much he had changed since his incarceration and recounted his teaching experiences. Again, Boswell urged the Board of Examiners not to revoke his certificate. (Hearing Response, pp. 1-2.)

At its meeting of September 26, 2002, the State Board of Examiners reviewed the charges and papers Boswell filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Boswell's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1

The issue before the State Board of Examiners in this matter, therefore, is to determine whether Boswell's disqualification represents just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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 robbery 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, Boswell has a conviction for robbery. A teacher’s behavior outside the classroom may be relevant in determining that person’s qualifications and continued fitness to retain his certificate. In re Grossman, 127 N.J. Super. 13, 30 (S. Ct. 1943), aff’d. 131 N.J.L. 326 (E&A 1944). 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 Boswell’s disqualification from service in the public schools of this State because of his conviction for robbery 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 license 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. Because the Legislature considers Boswell’s offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach. See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector’s teaching certificate on the basis of the disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that Reginald Boswell’s Teacher of Social Studies Certificate of Eligibility with Advanced Standing be revoked on this 26th day of

September 2002. It is further ORDERED that Boswell return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: January 28, 2004

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