

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KENNETH REED : ORDER OF REVOCATION
_____ : DOCKET NO: 687-01/02-310

At its meeting of January 17, 2002, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on March 26, 2001, Kenneth Reed had pled guilty to charges of sexual assault and official misconduct. On June 29, 2001, Reed was sentenced to four years' incarceration in State prison. Reed was also subject to the registration, notification, address verification and DNA testing provisions of Megan's Law. The court also ordered him to comply with community supervision for life and to forfeit his teaching certificate. Reed is currently the holder of a Teacher of Music certificate. Upon review of the above information, at that January meeting, the State Board of Examiners voted to issue Reed an Order to Show Cause as to why his certificate should not be suspended or revoked.

The Board sent Reed the Order to Show Cause by regular and certified mail on April 8, 2002. The Order provided that Reed must file an Answer within 20 days. Reed filed an Answer on April 25, 2002. In that Answer, Reed stated that all of the statements in the Order to Show Cause were "true and accurate." (Answer, p. 1.) Reed acknowledged the damage he had done to his family, his students and himself. He asked the Board of Examiners to show leniency and consider suspending his certificate rather than revoking it. (Answer, p.1.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on May 16, 2002, the Board of Examiners sent Reed a hearing notice by regular and certified mail.¹ The notice explained that since it

¹ On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

appeared no material facts were in dispute, Reed 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 offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail return receipt of the Hearing Notice was returned but the regular mail copy was not. Reed did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Reed's guilty plea to sexual assault and official misconduct constitutes conduct unbecoming a certificate holder. At its meeting of April 3, 2003, the State Board of Examiners reviewed the charges and papers Reed filed in response to the Order to Show Cause. After review of Reed's submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since Reed admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. 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 State Board of Examiners must now determine whether Reed's offenses as set forth in the Order to Show Cause, provide just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The State Board of Examiners 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. 6:11-3.4. "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. Reed’s acts of official misconduct and sexual assault against his students are inexcusable for any individual, teacher or not. Furthermore, 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). In this instance, Reed’s conviction is proof itself that he does not belong in any classroom ever again.

Accordingly, it is therefore ORDERED that Kenneth Reed’s Teacher of Music certificate be revoked on this 3rd day of April 2003. It is further ORDERED that Reed return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: JANUARY 31, 2005

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