

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LEONARD TOBIAS : ORDER OF REVOCATION
_____ : DOCKET NO: 745-11/02-326

At its meeting of November 14, 2002, the State Board of Examiners reviewed information received from the Division of Youth and Family Services (DYFS) regarding Leonard Tobias. DYFS had substantiated allegations of sexual abuse against Tobias. Tobias allegedly had fondled several of his students. Tobias currently holds a Teacher of Music certificate issued in June 1965, and a Principal/Supervisor certificate issued in March 1983. Upon review of the above information, at that November meeting, the State Board of Examiners voted to issue Tobias an Order to Show Cause.

The Board sent Tobias the Order to Show Cause by regular and certified mail on January 24, 2003. The Order provided that Tobias' Answer must be filed within 20 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. As Tobias did not file an Answer, the Board sent him a second notice by regular and certified mail on March 28, 2003. Once again, the certified mail copy was signed and returned and the regular mail copy was not returned. Tobias has not responded to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Tobias' conduct as alleged in the DYFS report constitutes conduct unbecoming a certificate holder. Since Tobias did not 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)1.¹ Since Tobias' conduct as set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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.

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. 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). “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. There can be no dispute that Tobias’ improper sexual activity with several of his students negates any claim he can have to being a role model for students. Moreover, Tobias’ acts are inexcusable for any individual, teacher or not. Thus, the only proper response to Tobias’ breach is revocation.

Accordingly, it is therefore ORDERED that Leonard Tobias’ Teacher of Music and Principal/Supervisor certificates be revoked on this 12th day of June 2003. It is further ORDERED that Tobias return his certificates 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 27, 2005

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