

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WAYNE SLAUGHTER : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-131

At its meeting of November 14, 2002, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Wayne Slaughter from his tenured position with the Board of Education of Bridgeton for charges of unbecoming conduct. In the Matter of the Tenure Hearing of Wayne Slaughter, Docket No. 326-8/01 (July 8, 2002.) Slaughter currently holds Teacher of Industrial Arts and Teacher of the Handicapped certificates.

This case originated when the Bridgeton Board of Education certified tenure charges against respondent, Wayne Slaughter. The Board employed Slaughter as a woodworking teacher in the Board's Alternative School program and as a Home Instructor. The district charged him with unbecoming conduct for consistently making inappropriate comments of a sexual nature to students. Slaughter had also sexually harassed one particular student, M.C.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Lillard Law heard testimony on several days in January and March 2002. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on May 21, 2002.

In that decision ALJ Law found that M.C.'s testimony, as well as her mother's, regarding Slaughter's inappropriate behavior was credible. Judge Law further found that M.C. did not want to attend school because of Slaughter's behavior. (Initial Decision, slip op. at 24.)

After considering all the testimony, ALJ Law found that Slaughter's conduct was improper. The Judge found that Slaughter had "engaged in a pattern and practice of making inappropriate comments of a sexual nature to pupils under his supervision and control." (Initial Decision, slip op. at 25.) He also found that the evidence demonstrated that Slaughter was unfit to engage in the teaching of pupils. (Initial Decision, slip op. at 25.)

Judge Law concluded that the tenure charges were true and that Slaughter had engaged in sexual harassment. He held that Slaughter's words, actions and conduct "constituted the creation and maintenance of a sexually offensive and hostile school environment." (Initial Decision, slip op. at 27.) Consequently, the ALJ ordered Slaughter dismissed from his tenured employment.

In a decision dated July 8, 2002, the Commissioner of Education affirmed the ALJ's Initial Decision as to the tenure charges against Slaughter. The Commissioner agreed with the ALJ's credibility determinations and adopted the ALJ's finding that Slaughter had sexually harassed students. (Commissioner's Decision, slip op. at 33.) The Commissioner found that Slaughter's behavior, in sexually harassing young female students on a number of occasions, was egregious. (Commissioner's Decision, slip op. at 33.) Accordingly, the Commissioner affirmed Slaughter's removal from his tenured employment with the Bridgeton Board of Education and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Slaughter's certificates.¹

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

Thereafter, on November 14, 2002, the State Board of Examiners issued Slaughter an Order to Show Cause as to why his certificates should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Slaughter the Order to Show Cause by regular and certified mail on January 24, 2003. The Order provided that Slaughter must file an Answer within 20 days. Slaughter filed an Answer on February 13, 2003. In his Answer Slaughter admitted to the charges in all of the paragraphs of the Order to Show Cause. He also noted that the first proofs offered by the district involved statements of students alleging improper comments during the 1998-1999 school year. Slaughter stated that these students were not witnesses at the hearing. He added that further allegations of impropriety surfaced two years later in the 2000-2001 school year (Answer, ¶ 7.) In the remainder of his Answer, Slaughter challenged the testimony and credibility of some of the witnesses at his tenure hearing. (Answer, pp. 2-9.). He argued that he should be allowed to retain his teaching certificates and to further help the community.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on March 27, 2003, the Board sent Slaughter a hearing notice by regular and certified mail.. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, Slaughter 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

the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

arguments tendered in his defense, the State Board of Examiners would determine if his offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Slaughter received the hearing notice but did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Slaughter's conduct constitutes conduct unbecoming a certificate holder. At its meeting of September 25, 2003, the State Board of Examiners reviewed the charges and papers Slaughter filed in response to the Order to Show Cause. After reviewing his response, the Board of Examiners determined that no material facts related to Slaughter's offense were in dispute since he admitted all of the charges in the Order to Show Cause. Thus, Slaughter has not denied the charges in the Order to Show Cause and 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 Slaughter's unbecoming conduct as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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 Slaughter’s behavior negates any claim he can have to being a role model for children. His sexually inappropriate behavior on many occasions, at the very least, made students uncomfortable. At its most damaging, Slaughter’s conduct caused one student to fear going to school. This egregious behavior is inexcusable for any adult, but even more heinous in a teacher who holds a position of trust in relation to his students. Thus, the only proper response to Slaughter’s breach is revocation.

Accordingly, it is therefore ORDERED that Wayne Slaughter’s Teacher of Industrial Arts and Teacher of the Handicapped certificates be revoked on this 25th day of September 2003. It is further ORDERED that Slaughter 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: November 4, 2004

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