

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KENNETH KUCHTYAK : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-188

At its meeting of January 23, 2003, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on September 19, 2002, Kenneth Kuchtyak had pled guilty to charges of Official Misconduct in the 3rd degree and Compensation for Past Official Behavior in the 3rd degree. On October 28, 2002, Kuchtyak was sentenced to five years' probation. He was also ordered to complete 150 hours of community service, remain offense free and pay a fine of \$10,500. The court also ordered Kuchtyak to forfeit his public office as Superintendent of the Woodbridge public schools and forever disqualified him from holding any office or position of honor, trust or profit under the State or any of its administrative or political subdivisions. Kuchtyak is currently the holder of Secondary School Teacher of Social Studies, Principal/Supervisor and School Administrator certificates issued in 1969, 1976 and 1983, respectively. Upon review of the above information, at that January 2003 meeting, the State Board of Examiners voted to issue Kuchtyak an Order to Show Cause.

The Board sent Kuchtyak the Order to Show Cause by regular and certified mail on July 9, 2003. The Order provided that Kuchtyak must file his Answer within 20 days. The regular mail was not returned and the certified copy was returned as unclaimed. Thereafter, on December 23, 2003, the Board sent Kuchtyak a second notice by regular and certified mail, allowing him an additional ten days to file an Answer. The regular mail copy was not returned but the certified copy was. Once again, Kuchtyak did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Kuchtyak's conviction and subsequent disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificates pursuant to N.J.A.C. 6A:9-17.5. Since Kuchtyak 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. 6A:9-17.7(c). Since Kuchtyak's conviction and disqualification are admitted, the Board of Examiners must now decide whether they constitute a sufficient basis to act against his certificates pursuant to N.J.A.C. 6A:9-17.5. 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. 6A:9-17.5. “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. Kuchtyak’s acts of official misconduct and compensation for past official behavior are inexcusable, especially for a Superintendent, the educational leader of a school district.

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, Kuchtyak’s criminal activity, which directly touched on his educational position, serves as a sufficient predicate to bar him permanently not just from Woodbridge’s schools but from all of New Jersey’s.

Accordingly, it is therefore ORDERED that Kenneth Kuchtyak’s Secondary School Teacher of Social Studies, Principal/Supervisor and School Administrator certificates be revoked on this 1st day of April 2004. It is further ORDERED that Kuchtyak return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: October 14, 2004

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