

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JOHN E. BENNETT : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0304-155

At its meeting of June 10, 2004, the State Board of Examiners reviewed a petition and Order to Show Cause filed against John E. Bennett. Bennett currently holds a Teacher of Elementary School Certificate of Eligibility and a Teacher of Elementary School certificate.

This case originated on December 11, 2001 when the Asbury Park Board of Education filed a petition pursuant to N.J.A.C. 6:11-3.6(a)(3) seeking to have John E. Bennett's certificates revoked as a result of alleged improper conduct. The district alleged that Bennett had had a sexual relationship with a sixteen-year-old student at Asbury High School. The district also alleged that on June 9, 2001, Bennett was arrested for possession of marijuana with the intent to distribute within 1000 feet of a school and 500 feet of a public housing project. The district had certified tenure charges against Bennett on August 18, 2001. Bennett resigned from the district's employ on November 27, 2001 while the tenure charges were still pending.

In accord with the regulatory provisions, the Board of Examiners forwarded the petition to Bennett by regular and certified mail so that he could respond to the district's charges. The regular mail was not returned and the certified mail was returned as unclaimed. When a second notice was sent to Bennett, the regular mail copy was not returned and the certified mail reply card was signed and returned. Bennett did not respond to the petition.

After the Board of Examiners reviewed the petition, at its meeting of October 30, 2003, it voted to issue Bennett an Order to Show Cause why his teaching certificates should not be revoked or suspended. The Board sent the Order by regular and certified mail. The regular mail was not returned and the certified copy was signed and returned. Bennett did not file an Answer to the Order to Show Cause. The Board sent Bennett a second notice by regular and certified mail. Neither copy was returned although the Office of Licensure and Credentials does have a certified mail return receipt. Once again, Bennett did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Bennett's sexual relationship with a student and arrest for possession of marijuana with intent to distribute gives the Board just cause to act against his certificates pursuant to N.J.A.C. 6A:9-17.5.<sup>1</sup> Since Bennett 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 Bennett's behavior as described in the Order to Show Cause is admitted, the Board of Examiners must now decide whether it constitutes a sufficient basis to act against his certificates pursuant to N.J.A.C. 6A:9-17.5. 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. 6A:9-17.5. Furthermore, unfitness to

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<sup>1</sup> 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 case began under the prior administrative code, the Board of Examiners issued its final decision pursuant to the new administrative code in effect on June 10, 2004.

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. In this instance, Bennett's sexual misconduct or drug offense alone would be more than sufficient to justify the revocation of his certificates. Together, they leave no doubt that he is unfit to teach in any of New Jersey's schools. Bennett's offenses therefore provide the Board a sufficient predicate to take action against his teaching certificates. Thus, the only proper response to Bennett's breach is revocation.

Accordingly, it is therefore ORDERED that John E. Bennett's Teacher of Elementary School Certificate of Eligibility and Teacher of Elementary School certificate be revoked on this 10th day of June 2004. It is further ORDERED that Bennett 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 receipt of this decision.

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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.