

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CHARLES YOUNG : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-246

At its meeting of May 5, 2005, the State Board of Examiners reviewed information received from the Middlesex County Prosecutor's Office indicating that on August 18, 1995, Charles Young had pled guilty to charges of criminal sexual contact. On November 9, 1995, Young was sentenced to three years' probation, ordered to comply with the provisions of Megan's Law, and ordered to have no contact with his victim. He was also fined and ordered to forfeit his public employment. Young was also barred from holding public office in the State of New Jersey. Young currently holds a Teacher of Health and Physical Education certificate, issued in February 1974. Upon review of the above information, at its May 5, 2005, meeting, the State Board of Examiners voted to issue Young an Order to Show Cause.

After some difficulty in locating Young, the Board finally sent him the Order to Show Cause by regular and certified mail on January 12, 2007. The Order provided that Young's Answer was due within 30 days. Young filed his response on February 13, 2007. In that Answer, Young admitted that he pled guilty to the charges and was placed on probation. (Answer, p. 1). Young stated that he had not sought employment "in any field of education in New Jersey or any other state" and that he did not believe suspension or revocation was appropriate in his case. (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 2, 2007, the Board of Examiners sent Young a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Young 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 Young's offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail receipt was signed and returned and the regular mail copy was not returned. Young did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Young's guilty plea to criminal sexual contact and the subsequent forfeiture of his public employment and permanent bar from holding public office constitutes conduct unbecoming a certificate holder. At its meeting of June 7, 2007, the State Board of Examiners reviewed the charges and papers Young filed in response to the Order to Show Cause. After review of Young's submission, the Board of Examiners determined that no material facts related to his offense were in dispute since he 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. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Young's offense as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds 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*. "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. Young’s act of criminal sexual contact is inexcusable for any individual, teacher or not. The court recognized this when it ordered him to forfeit his teaching position and barred him from holding a public position in this State.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Young’s behavior falls far short of that expected of a role model for students.

Accordingly, on June 7, 2007, the Board of Examiners voted to revoke Young’s Teacher of Health and Physical Education certificate. On this 19th day of July 2007 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Charles Young’s certificate be effective immediately. It is further ORDERED that Young return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing: JULY 25th, 2007

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