

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
IVAN PIEDRA : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-176

At its meeting of February 21, 2008, the State Board of Examiners reviewed information received from the Passaic County Prosecutor's Office indicating that, based on evidence it had gathered, Ivan Piedra had engaged in a sexual relationship with an adult student under his supervision. Although the Prosecutor's Office could not prosecute Piedra for criminal offenses under New Jersey law it referred the matter to the State Board of Examiners for possible action against Piedra's certificates. Piedra currently holds a Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing, issued in June 2003 and a Teacher of Health and Physical Education certificate, issued in July 2004. Upon review of the above information, at its March 27, 2008 meeting, the State Board of Examiners voted to issue Piedra an Order to Show Cause.

The Board sent Piedra the Order to Show Cause by regular and certified mail on April 8, 2008. The Order provided that Piedra's Answer was due within 30 days. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. Piedra did not file a response.

Thereafter, on July 14, 2008, the Board of Examiners sent Piedra a second notice by regular and certified mail. The notice provided him with an additional 15 days to respond to the Order to Show Cause. Once again, Piedra did not respond. On November 17, 2008, pursuant to *N.J.A.C. 6A:9-17.7(c)*, the Board sent Piedra a Hearing Notice by regular and certified mail providing him the opportunity to file a written submission with regard to the appropriate sanction in the event that the Board found just cause to revoke his certificates. The notice also allowed

Piedra to appear to offer testimony on the sanction issue. Piedra did not file a response to this notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Piedra's conduct in engaging in a relationship with an adult student under his supervision constitutes conduct unbecoming a certificate holder. At its meeting of February 23, 2009, the State Board of Examiners reviewed the charges in the Order to Show Cause and supporting documents. The Board of Examiners determined that no material facts related to Piedra's conduct were in dispute since he never denied his behavior. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Piedra's actions as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds 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. Piedra's acts of engaging in a sexual relationship with a student, regardless of her age, are inexcusable for a teacher. The Commissioner has long held that teachers serve as role models for their students. By his actions, Piedra has long lost the right to claim status as a role model for anyone.

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, Piedra's conduct with a student under his supervision was sufficiently flagrant to justify his removal from the teaching profession. Thus, the only possible response to his breach is the revocation of his teaching certificates.

Accordingly, on February 23, 2009 the Board of Examiners voted to revoke Piedra's Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing and his Teacher of Health and Physical Education certificate. On this 31st day of March 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ivan Piedra's certificates be effective immediately. It is further ORDERED that Piedra return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

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

RRH:MZ: