

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
DARRIN SCOTT : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-262

At its meeting of July 17, 2008, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Darrin Scott was convicted in 2007 for Eluding a Law Enforcement Officer and Resisting Arrest. As a result of the eluding conviction, Scott was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Scott was also convicted in 2006 for Obstructing the Administration of Law. Scott currently holds a Substitute Credential, which expires in March 2010.

Scott did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Scott an Order to Show Cause why his credential should not be revoked at its meeting of July 17, 2008.

The Board sent Scott the Order to Show Cause by regular and certified mail on July 31, 2008. The Order provided that Scott must file an Answer within 30 days. Scott filed an Answer on August 27, 2008.

In his Answer, Scott admitted that he was “judged guilty for the stated offenses and punished by the state of New Jersey.” (Answer, p. 1.) He argued that revoking his credential would be punishing him twice and that he had thought about, assessed and regretted his actions. (Answer, p. 1.) Scott asserted that his offenses would not hamper his ability to reach students and, in fact, might help him. (Answer, p. 1.) He also claimed that it was his irrational fear of being mistreated by police that led him to flee. (Answer, p. 1.) Scott indicated that he had been released early on probation and he wanted to prove that the state’s belief in him was not

misplaced. (Answer, p.1.) Scott also stated that if he kept his credential, he would have the opportunity to help others. (Answer, p. 1.)

Thereafter, on September 26, 2008 the Board sent Scott a hearing notice providing him with the opportunity to file a written submission with regard to whether his conduct provided just cause to revoke or suspend his credential. Scott was also allowed to address appropriate sanctions, if warranted, and to appear before the Board to offer testimony on the sanction issue. In response to the hearing notice, Scott explained that his offense happened when he was on a drinking binge and that these binges would cause him to become angry and belligerent. (Hearing Response, p. 1.) He stated that while in prison he attended alcohol abuse seminars. (Hearing Response, p. 1.) Scott also noted that he entered the Intensive Supervision Program (ISP) which allowed him to be released from prison early to serve the remainder of his sentence in the community in a highly structured, rigorously supervised program. (Hearing Response, p. 1.) ISP consisted of “extensive client contact, surveillance, a restrictive curfew and urine monitoring (two to three times per week) for alcohol and drugs including marijuana.” (Hearing Response, p. 1.) Scott added that he was attending Drenk, a private, non-profit organization that offered a continuum of behavioral health services. (Hearing Response, p. 2.) He stated that his incarceration put a temporary hold on his education and that he wanted to use his credential to be an excellent teacher and coach. (Hearing Response, p. 3.) Finally, he argued that if a sanction were warranted, the Board should suspend rather than revoke his credential. (Hearing Response, p. 3.) Scott did not appear before the Board to testify.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Scott’s disqualifying offense constitutes conduct unbecoming a certificate holder. At its meeting of February 23, 2009, the State Board of Examiners reviewed

the charges and papers Scott filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Scott's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter and ordered that the charges in the Order to Show Cause be deemed admitted for the purpose of the proceeding. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether the conduct underlying Scott's conviction and resulting disqualification, as was set forth in the Order to Show Cause, represents just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals it deemed to be a danger. Individuals convicted of a crime of eluding law enforcement fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must serve as role models for students. "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 case, Scott has convictions for eluding police, resisting arrest and obstructing the administration of justice. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his/her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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). Accordingly, the State Board of Examiners finds that Scott's disqualification from service in the public schools of this State because of his conviction for eluding as well as his other convictions provides just cause to take action against his credential.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A. 18A:6-7.1(b)* also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Scott's offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his Substitute Credential.

Moreover, notwithstanding Scott's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." *See In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 N.J.A.R. 2D (EDE) 1, 16 *aff'd*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that, according to his uncorroborated submission, Scott has continued to pursue an alcohol treatment program, counseling and anger management classes, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certification. Rather, the Board can only look at

mitigation evidence to counterbalance the serious charges against him. In this case, his short teaching record, unfortunately falls far short of what is required.

Accordingly, on February 23, 2009 the Board of Examiners voted to revoke Darrin Scott's Substitute Credential. 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 Scott's credential be effective immediately. It is further ORDERED that Scott return his Substitute Credential 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: