

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
STEVEN McGUIRE : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-244

At its meeting of July 28, 2009, the State Board of Examiners reviewed information received from the Superior Court of Delaware indicating that on October 2, 2003, Steven McGuire had pled guilty to two counts of Rape in the third degree. McGuire was sentenced to the Supervision of the Delaware Department of Corrections for six years with a mandatory prison term of two years. He was also ordered not to have unsupervised contact with children under the age of 18. McGuire currently holds a Teacher of Physical Education Certificate of Eligibility With Advanced Standing in New Jersey, issued in June 1995. Upon review of the above information, at its September 17, 2009 meeting, the State Board of Examiners voted to issue McGuire an Order to Show Cause.

The Board sent McGuire the Order to Show Cause by regular and certified mail on September 24, 2009. The Order provided that McGuire's Answer was due within 30 days. Neither copy was returned. McGuire did not file a response. Thereafter, on November 16, 2009, the Board sent McGuire another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. One again, neither copy was returned and McGuire did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 8, 2009, the Board sent McGuire a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, McGuire 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 his conviction warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. McGuire was also provided the opportunity to appear before the Board to testify on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. McGuire did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether McGuire's conviction constitutes conduct unbecoming a certificate holder. Since McGuire failed to respond to the Order to Show Cause or the hearing notice, at its meeting of March 25, 2010, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to McGuire's offense were in dispute since he never denied that he had pled guilty to the offense 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)*. 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 McGuire's conviction, as set forth in the Order to Show Cause, represents 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. McGuire's acts of rape are inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, McGuire cannot claim status as a role model to anyone.

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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, McGuire's conviction for Rape demonstrates egregious behavior that warrants revocation.

Accordingly, on March 25, 2010, the Board of Examiners voted to revoke Steven McGuire's Teacher of Physical Education Certificate of Eligibility With Advanced Standing. On this 29th day of April 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of McGuire's certificate be effective immediately. It is further ORDERED that McGuire return his certificate 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.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th