

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CURTIS ROBINSON : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-167

At its meeting of March 31, 2009, the State Board of Examiners reviewed a decision the Commissioner of Education had referred that had dismissed Curtis Robinson from his tenured position with the State-Operated School District of the City of Paterson (Paterson) for charges of unbecoming conduct. *In the Matter of the Tenure Hearing of Curtis Robinson*, Docket No. 404-08 (Commissioner's Decision, October 3, 2008). Robinson currently holds Teacher of Elementary School and Teacher of the Handicapped certificates, both issued in January 1985.

This case originated on June 9, 2004 when Paterson certified tenure charges against Robinson. The district charged him with unbecoming conduct, alleging he had engaged in inappropriate, unprofessional and offensive behavior towards students and staff. Specifically, Paterson alleged that Robinson used inappropriate language towards students, had inappropriate physical contact with several students, had inappropriate physical contact with an instructional aide, and used inappropriate language with several staff members.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Caridad Rigo heard testimony over several months in 2006 and 2007. After receiving post-hearing submissions, the record closed and she issued an Initial Decision on July 24, 2008. *In the Matter of the Tenure Hearing of Curtis Robinson*, Dkt. No. EDU 07481-04 (Initial Decision, July 24, 2008).

After considering all the testimony, ALJ Rigo found that Robinson's conduct was improper. ALJ Rigo concluded that Robinson used inappropriate language towards students from 2000 to 2003. (Initial Decision, slip op. at 48-50). The Judge also found that Robinson hit and/or punched a student, V.H., several times. (*Id.* at 50-52). Robinson also had inappropriate physical contact with another student, A.T. (*Id.* at 52-53). Robinson had screamed at his instructional aide, Michelle Coleman, and called her profane names such as "bitch," "whore" and "motherfucker" in the presence of students. (*Id.* at 53-54). ALJ Rigo determined that Robinson had made unwarranted, unprofessional, offensive and/or sexist remarks to another staff member, Teresa Granata (*Id.* at 54). The ALJ further found that Robinson beat N.H., a classified student, with his hands or a yardstick (*Id.* at 54), and that he routinely hit, punched and/or beat J.T., a classified handicapped student, during the 2003-2004 school year. (*Id.* at 55). Judge Rigo concluded that Robinson, as a whole, conducted himself in a manner unbecoming a teacher. (*Id.* at 56). The ALJ therefore concluded that the Board had demonstrated that the charges of unbecoming conduct of a teaching staff member it had brought against Robinson were true. (*Id.* at 59). After noting that "Robinson has had numerous complaints about his behavior towards staff and the students" the ALJ concluded that "the determination of the board to remove respondent Robinson was reasonable and necessary in order to insure the safety and well being of the students and staff." (*Id.* at 58-59). Thus, based on her review of the entire record, the ALJ concluded that Robinson's breach was too substantial to allow for his continued employment in the district. (*Id.* at 59). Consequently, the ALJ ordered Robinson dismissed from his tenured employment. *Ibid.*

In a decision dated October 3, 2008, the Commissioner of Education affirmed the ALJ's Initial Decision as to the tenure charges against Robinson. The Commissioner agreed with the ALJ that the local board had proven its case against Robinson with regard to the tenure charges of unbecoming conduct. (Commissioner's Decision, slip op. at 4). The Commissioner found that Robinson's actions constituted unbecoming conduct and warranted his removal from his tenured employment as a teaching staff member with Paterson. (Commissioner's Decision, slip op. at 4). The Commissioner recognized that much of the determination in the case "turns almost exclusively on the credibility of witnesses and the weighing of evidence." *Ibid.* The Commissioner therefore deferred to the ALJ's findings in those areas. *Ibid.* Noting that as a special education teacher, Robinson's strict adherence to the enhanced standard of behavior demanded of teachers was even more crucial, the Commissioner concluded that Robinson had engaged in "professionally unacceptable conduct which cannot be tolerated in a school setting." (*Id.* at 6-8). Accordingly, the Commissioner affirmed Robinson's removal from his tenured employment with Paterson and transmitted the matter to the State Board of Examiners pursuant to *N.J.A.C.* 6A:9-17.6 for appropriate action regarding Robinson's certificates. (*Id.* at 8).

Thereafter, on May 11, 2009, the State Board of Examiners issued Robinson an Order to Show Cause as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Robinson the Order to Show Cause by regular and certified mail on May 19, 2009. The Order provided that Robinson's Answer was due within 30 days.

Robinson filed an Answer on June 15, 2009. In his Answer Robinson admitted that the district had brought tenure charges against him. (Answer, ¶ 3.) He also admitted that both the ALJ and the Commissioner had concluded that Paterson had proven the tenure charges against him and that he was dismissed from his tenured employment as a result. (Answer, ¶¶ 5, 6).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 30, 2009, the Board sent Robinson a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Robinson 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 conduct warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Robinson was also provided the opportunity to appear before the Board to testify on the sanction issue.

Robinson responded to the Hearing Notice on July 28, 2009. In that response, he claimed that several of the witnesses who testified against him in the tenure case knew he was HIV positive and believed he should not be around children. (Hearing Response, p. 1.) He also reiterated the positive testimony from his tenure hearing wherein several witnesses stated that he had a very good relationship with his students and ensured that they were involved in all mainstream school activities. (Hearing Response, pp. 3-7.) Although Robinson acknowledged that the Commissioner found that he engaged in corporal punishment, he argued that a devoted teacher who cared this much about his

students should have his certificates suspended for two years rather than revoked. (Hearing Response, pp. 1, 8.)

In his testimony before the Board, Robinson spoke about his love of teaching and stated that he would like to keep his teaching certificates. He noted that he had been teaching for 22 years and loved seeing the smiles on students' faces. Robinson recounted the many programs in which he had been involved or started, including after school programs, GED preparation classes and unified sports involving both special education and mainstream students. He mentioned the trips he had chaperoned with special education students, including trips to the library and to the store so he could teach them about how to use money. In sum, Robinson claimed that he tried to make teaching an experience of "loving, caring and giving."

The threshold issue before the State Board of Examiners in this matter, is whether Robinson's conduct as proven in the tenure hearing constitutes conduct unbecoming a certificate holder. At its meeting of December 2, 2009, the State Board of Examiners reviewed the allegations in the Order to Show Cause, Robinson's responses and his testimony. The Board of Examiners determined that no material facts related to Robinson's offense were in dispute since he admitted that the Commissioner had determined that he had engaged in unbecoming conduct. Thus, Robinson has not denied the charges in the Order to Show Cause. 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 and that Robinson's inappropriate, unprofessional and

offensive behavior toward students and staff constitutes conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Robinson's offense as set forth in the Order to Show Cause, represents just cause to act against his certificates 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*. 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). "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. There can be no dispute that Robinson's behavior negates any claim he can have to self-restraint. His inability to control his anger both physically and verbally speaks volumes about his lack of control. This volatility does not belong in a classroom. Moreover, as the Commissioner noted, Robinson worked with a vulnerable student population that demanded an even higher standard of care. His breach is therefore all the more egregious and the only proper response is the revocation of his teaching certificates.

Accordingly, on December 2, 2009, the Board of Examiners voted to revoke Curtis Robinson's Teacher of Elementary School and Teacher of the Handicapped certificates. On this 7th day of January 2010 the Board of Examiners voted to adopt its

formal written decision and it is therefore ORDERED that the revocation of Robinson's certificates be effective immediately. It is further ORDERED that Robinson 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.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing: , 2010
RRH:MZ

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