

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
JOSE GONZALES : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0910-144

At its meeting of January 7, 2010, the State Board of Examiners (Board) reviewed information received from the Bernards Township School District (Bernards) regarding Jose Gonzales. Bernards reported that Gonzales had been terminated from his non-tenured position in May 2008, following allegations of inappropriate behavior towards a student. Specifically, Gonzalez told a female student he wanted to see her cell phone so he could be her “text buddy.” After the student refused and he persisted, he allegedly told her that if she gave him her number she would not have to make a presentation in his class and he would give her an “A.” The next day when the student stood up to make her presentation, Gonzales told her she did not have to present and made a motion with his thumbs as if he were text messaging. Additionally, another female student reported that Gonzales was too friendly with students and talked to them about personal matters. Gonzales currently holds a Teacher of Spanish Certificate of Eligibility, issued in April 2007. Upon review of the above information, at its March 25, 2010 meeting, the Board voted to issue Gonzales an Order to Show Cause.

The Board sent Gonzales the Order to Show Cause by regular and certified mail on April 8, 2010. When both mail copies were returned as undeliverable, the Board obtained a new address for Gonzales from the Motor Vehicle Commission. The Board then re-sent Gonzales the Order to Show Cause at his new address by regular and certified mail on May 25, 2010. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Gonzales must file an Answer within 30 days. Gonzales did not file an Answer. Thereafter, on June 30, 2010, the Board sent Gonzales another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The

certified mail receipt was signed and returned. The regular mail copy was not returned. Gonzales did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 20, 2010, the Board sent Gonzales a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Gonzales 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Gonzales' conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Gonzales was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Once again, the certified mail receipt was signed and returned and the regular mail copy was not returned. Gonzales did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Gonzales' conduct, as set forth in the Order to Show Cause, constitutes conduct unbecoming a certificate holder. Since Gonzales failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 16, 2010, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Gonzales' conduct were in dispute since he never denied that he had engaged in the alleged conduct. Thus, the Board 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 Board must now determine whether Gonzales' conduct, 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 Board 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Gonzales' conduct in trying to engage a student (and an unwilling one at that) as his "text buddy" is inappropriate and crosses the boundary of an acceptable student-teacher relationship. Moreover, his discussion of personal matters with his students further demonstrates his inability to act in a professional manner. In this instance, Gonzales' repeated lack of judgment warrants revocation.

Accordingly, on September 16, 2010, the Board voted to revoke Jose Gonzales' Teacher of Spanish Certificate of Eligibility. On this 28th day of October 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Gonzales' certificate be effective immediately. It is further ORDERED that Gonzales 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.

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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 *N.J.S.A. 18A:6-38.4*.