

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LAWRENCE J. BUTLER, JR. : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-142

At its meeting of December 9, 2010, the State Board of Examiners (Board) reviewed information received from the Monmouth County Prosecutor's Office regarding Lawrence J. Butler, Jr. The Prosecutor's Office reported that in July 2010, Butler pled guilty to Aggravated Sexual Assault-Victim Under 13, and was sentenced to seven years in prison. Butler currently holds a Teacher of Art certificate, issued in May 1972, a Principal certificate, issued in June 1987, and a Supervisor certificate, issued in July 1987. Upon review of the above information, at its January 20, 2011 meeting, the Board voted to issue Butler an Order to Show Cause.

The Board sent Butler the Order to Show Cause by regular and certified mail on January 24, 2011. The Order provided that Butler's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Butler did not file a response. Thereafter, on March 3, 2011, the Board sent Butler a second notice by regular and certified mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Butler did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 23, 2011, the Board sent Butler a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Butler 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 certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if

Butler's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Butler was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Butler did not respond.

The threshold issue before the Board in this matter, therefore, is whether Butler's conviction constitutes conduct unbecoming a certificate holder. Since Butler failed to respond to the Order to Show Cause or the hearing notice, at its meeting of June 16, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Butler'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 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 Butler's conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificates 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. Butler's act of Aggravated Sexual Assault-Victim Under 13 is inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of Aggravated Sexual Assault cannot claim status as a role model to anyone. In this instance, Butler's crime is particularly egregious, considering the young age of the

victim and Butler's extensive prison sentence. Butler's conviction therefore warrants revocation. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on June 16, 2011, the Board voted to revoke Butler's Teacher of Art, Principal and Supervisor certificates. On this 28th day of July 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Lawrence J. Butler, Jr.'s certificates be effective immediately. It is further ORDERED that Butler 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:

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

RRH:MZ:th