

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
JEFFREY POWELL : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-220

At its meeting of July 22, 2010, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review indicating that respondent Jeffrey Powell pled guilty in February 2010 to Endangering the Welfare of a Child. As a result of the conviction, Powell was ordered to forfeit his teaching certificate and barred from holding any employment, office or position of trust, honor or profit under this State or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2d*. Powell was also disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Powell currently holds a Substitute Credential which expires in January 2014.

Powell did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted to issue Powell an Order to Show Cause at its meeting of September 16, 2010.

The Board sent Powell the Order to Show Cause by regular and certified mail on September 23, 2010. The Order provided that Powell must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Powell did not file a response. Thereafter, on November 8, 2010, the Board sent Powell 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 and the regular mail copy was not returned. Powell did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 29, 2010, the Board sent Powell a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Powell 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 found just

cause to take action against his credential. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his disqualifying offense warranted action against his credential. Thereupon, the Board would also determine the appropriate sanction, if any. Powell was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned and the regular mail copy was not returned. Powell did not file a response.

The threshold issue before the Board in this matter is whether Powell's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Powell failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 20, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Powell's offense were in dispute since he never denied that he had been convicted of the offense charged. 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 Powell's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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 whom it deemed to be a danger to them. Individuals convicted of a crime such as Endangering the Welfare of a Child 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 their 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. Clearly, Powell's actions here are not those of a role model.

The 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 Board 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 Powell's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Powell's credential.

Accordingly, on January 20, 2011, the Board voted to revoke Jeffrey Powell's Substitute Credential. On this 31st day of March 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Jeffrey Powell's credential be effective immediately. It is further ORDERED that Powell return his 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.

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*.