

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF	:	STATE BOARD OF EXAMINERS
STEVEN BATOFF	:	ORDER OF REVOCATION
	:	DOCKET NO: 1011-206

At its meeting of June 16, 2011, the State Board of Examiners (Board) reviewed information regarding Steven Batoff. In November 2007, the Pennsylvania Professional Standards and Practices Commission revoked Batoff's Pennsylvania certificates after he pled guilty in November 1999 to Indecent Assault and Endangering the Welfare of Children. Batoff was sentenced to up to 12 months in prison on the Indecent Assault conviction and up to four years in prison on the Endangering the Welfare of Children conviction. In New Jersey, Batoff currently holds a School Psychologist certificate, issued in July 1977. Upon review of the above information, at its July 28, 2011 meeting, the Board voted to issue Batoff an Order to Show Cause.

The Board sent Batoff the Order to Show Cause by regular and certified mail on August 2, 2011. The certified mail was returned as unclaimed. The regular mail copy was not returned. The Order provided that Batoff must file an Answer within 30 days. Batoff did not file an Answer. Thereafter, on October 7, 2011, the Board sent Batoff another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was signed and returned. The regular mail copy was not returned. Batoff did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 4, 2011, the Board sent Batoff a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Batoff 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 Batoff's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Batoff was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Batoff did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Batoff's conviction and the revocation of his Pennsylvania licenses constitute conduct unbecoming a certificate holder. Since Batoff failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 19, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Batoff's offenses were in dispute since he never denied that he had been convicted of the offenses charged and had been sentenced accordingly. Nor did he deny that his Pennsylvania teaching certificates had been revoked. 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 Batoff's conviction and the revocation of his Pennsylvania certificates, as set forth in the Order to Show Cause, provide just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Batoff's acts of Indecent Assault and Endangering the Welfare of Children are 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 Indecent Assault and Endangering the Welfare of Children cannot claim status as a role model to anyone. Batoff'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 January 19, 2012, the Board voted to revoke Steven Batoff's School Psychologist certificate. On this 1st day of March 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Batoff's certificate be effective immediately. It is further ORDERED that Batoff 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.