

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
MICHAEL JANES : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-195

At its meeting of April 5, 2012, the State Board of Examiners (Board) reviewed information received from the Somerset County Prosecutor's Office (SCPO) regarding Michael Janes. The SCPO informed the Board that Janes was admitted into a Pre-Trial Intervention Program (PTI) after being charged with Endangering the Welfare of Children – Photo Sexual Act. As a condition of PTI, Janes signed a Consent Order in which he agreed the he was “prohibited from any future employment working with children, including any schools or day-care centers, or participating/volunteering in organized children’s activities, such as coaching youth sports, Boy Scouts or other youth organizations.” Janes currently holds a Substitute Credential which expires in July 2015. Upon review of the above information, the Board voted at its meeting of May 17, 2012 to issue Janes an Order to Show Cause why his credential should not be revoked.

The Board sent Janes the Order to Show Cause by regular and certified mail on May 24, 2012. The Order provided that Janes must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Janes did not file a response. Thereafter, on June 27, 2012, the Board sent Janes 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. Janes did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 24, 2012, the Board sent Janes a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Janes 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. Janes 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, Janes did not respond.

The threshold issue before the Board in this matter is whether Janes has engaged in conduct unbecoming a certificate holder. Since Janes failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 21, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Janes' offense were in dispute since he never denied that he had signed the Consent Order forever barring him from working with children or participating/volunteering in organized children's activities. 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 charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Janes' entering into a Consent Order which forever bars him from "any future employment working with children, including any schools or day-care centers, or participating/volunteering in organized children's activities, such as coaching youth sports, Boy Scouts or other youth organizations," as set forth in the Order to Show Cause, represents just cause to act against his credential 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.

Although Janes has not been disqualified pursuant to the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* or the public forfeiture statute, *N.J.S.A. 2C:51-2*, and therefore cannot have his credential revoked or suspended on that basis, in fact, this case does present the Board with a *de facto*

disqualification. By entering into the Consent Order, Janes can never again work in a public school setting in New Jersey.

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 that person be permitted to continue to hold himself out as a teacher. In this case, the court imposed the condition of the Consent Order as a prerequisite to Janes' admission into PTI. Thus, because Janes' conduct was so significant as to warrant a lifetime bar, the Board believes that the only appropriate sanction in this case is the revocation of Janes' credential.

Accordingly, on September 21, 2012, the Board voted to revoke Michael Janes' Substitute Credential. On this 30th day of November 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Michael Janes' credential be effective immediately. It is further ORDERED that Janes 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*.