

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CHRISTOPHER DAGGETT : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-227

At its meeting of July 28, 2011, the State Board of Examiners (Board) reviewed a tenure matter the Commissioner of Education had referred captioned *In the Matter of the Tenure of Christopher Daggett*, Dkt. No. 82-4/10 (Commissioner's Decision, October 29, 2010). The Atlantic County Special Services School District (ACSSSD) had certified tenure charges against Daggett for misuse of school computers. Specifically, ACSSSD alleged that Daggett utilized a school district-owned computer for improper personal use by accessing and enrolling in adult dating websites, taking a pornographic picture of himself and putting it on his school computer, placing inappropriate photographs of himself and others in a partially naked state on his school computer and intentionally giving false and misleading information to district authorities when they were investigating the inappropriate material. Daggett and the ACSSSD settled the tenure matter and the Commissioner approved the settlement in a decision dated October 29, 2010. *Ibid.* The Commissioner then referred the decision to the Board for its review. Daggett holds a Teacher of Elementary School Certificate of Eligibility, issued in September 1999 and a Teacher of the Handicapped certificate, issued in April 2001. Upon review of the above information, at its September 22, 2011 meeting, the Board voted to issue an Order to Show Cause to Daggett as to why his certificates should not be revoked.

The Board sent Daggett the Order to Show Cause by regular and certified mail on September 30, 2011. The Order provided that Daggett must file an Answer within 30 days. Daggett responded on October 31, 2011. In his Answer, Daggett admitted that he enrolled in dating websites on his school computer since that was "the only computer he had access to."

(Answer, ¶ 3A). He added that he never accessed the websites during school hours or with students present. (Answer, ¶ 3A). Daggett claimed that the photo he emailed was done during ACSSSD's Christmas break and that he was not responsible for photos others sent to his email address. (Answer, ¶¶ 3B,C). Daggett added that he did not lie or behave insubordinately in response to questions about his conduct, but was instructed by his union representative not to answer questions without his lawyer present. (Answer, ¶ 3D). Daggett stated that he made a poor decision to join dating websites and to share personal photos using a school computer and hoped that his hard-earned teaching certificates would not be revoked or suspended. (Answer, ¶ 3). Finally, Daggett requested that he be allowed to retain his certificates because "loss of certification will deprive this teacher of the one life avenue he has chosen/is educated to serve." (Answer, ¶ 3).

Since there were material facts in dispute, on November 29, 2011, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) W. Todd Miller heard the matter on December 4, 2012. The record closed on January 23, 2013 and the ALJ issued an Initial Decision on January 30, 2013. *In the Matter of the Certificates of Christopher Daggett*, Dkt. No. EDE 4994-12 (Initial Decision, January 30, 2013).

In that decision, ALJ Miller found that while employed at ACSSSD, Daggett took photos of himself using his classroom computer since he did not have a home computer. (Initial Decision, slip op. at 6). All of the photos were taken at night or when the children were not in school. *Ibid.* The ALJ concluded that Daggett used poor judgment and the pictures, while sexually explicit, were not pornographic. *Ibid.* Rather, "they were intended to be private pictures used for creating interest and excitement for a new adult relationship." *Ibid.* Daggett

did not entirely delete the pictures and they resurfaced in 2010 when a colleague used the computer. *Ibid.*

After assessing the evidence, ALJ Miller concluded that “Daggett violated the district’s computer policy by using a work computer to take, save, and disseminate nude pictures of himself.” *Id.* at 7. ALJ Miller further concluded that Daggett engaged in conduct unbecoming a public employee and exercised poor judgment to the degree that his certificates should be revoked. *Ibid.* While the ALJ acknowledged that Daggett’s conduct did not involve pornography, he noted that “the conduct at issue remains highly inappropriate to have occurred on school property.” *Id.* at 8. Although the ALJ did acknowledge Daggett’s accomplishments, including his military service and overcoming his own learning disabilities to become an educator, he ordered the revocation of Daggett’s certificates. *Ibid.* Neither party submitted Exceptions in the case.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of February 28, 2013, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

“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, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 N.J.L. 369, 371 (1943), *aff’d*, 131 N.J.L. 326 (E & A 1944). In this case, ALJ Miller noted that Daggett “severely undermined the public’s trust and confidence needed to hold a certificate” for a teaching position. Initial Decision, slip op. at 7. The ALJ concluded that Daggett’s behavior warranted the revocation of

his certificates. The Board agrees. Daggett's conduct does not display the role model behavior expected of a teacher. Furthermore, although the ALJ noted that Daggett had accomplished much, including combat military service and overcoming his own learning disabilities to become a special needs teacher, those accomplishments were not enough to offer in mitigation against the inappropriate conduct at issue here. The Board therefore adopts the Initial Decision to revoke Daggett's certificates.

Accordingly, on February 28, 2013, the Board voted to adopt the Initial Decision and revoke Daggett's certificates. On this 12th day of April 2013, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Christopher Daggett's Teacher of Elementary School Certificate of Eligibility and Teacher of the Handicapped certificates be hereby revoked immediately. It is further ORDERED that Daggett 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 *N.J.S.A.* 18A:6-38.4.