

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
WILLIAM SANTAMARIA : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-173

At its meeting of September 21, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Middlesex County Prosecutor's Office (MCPO) regarding William Santamaria. In May 2012, Santamaria was convicted of Aggravated Sexual Assault, Sexual Assault and Official Misconduct. As a result of the conviction, Santamaria was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Santamaria currently holds a Teacher of Elementary School certificate, issued in June 1993.

Santamaria did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of November 30, 2012 to issue Santamaria an Order to Show Cause why his certificate should not be revoked.

The Board sent Santamaria the Order to Show Cause by regular and certified mail on December 5, 2012. The Order provided that Santamaria must file an Answer within 30 days. Santamaria filed a response on January 7, 2013. In that Answer he admitted the allegations in the Order to Show Cause regarding his conviction but added that he was "not guilty of the charges brought against me." (Answer, p. 1). Santamaria added that he was appealing the conviction and that new evidence had emerged regarding the charges. (Answer, p. 1). He asked the Board to postpone the certification proceedings until his criminal case was fully resolved. (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 16, 2013, the Board sent Santamaria a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Santamaria 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 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 his disqualifying offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Santamaria 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. Santamaria did not respond to the Hearing Notice.

The threshold issue before the Board in this matter is whether Santamaria's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of April 12, 2013, the Board considered the allegations in the Order to Show Cause and Santamaria's Answer. The Board determined that no material facts related to Santamaria's offense were in dispute since he admitted that he had been convicted of the offense charged and disqualified from public employment. 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 Santamaria's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate 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. Individuals convicted of a crimes such as Aggravated Sexual Assault, Sexual Assault and Official Misconduct 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, Santamaria'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 Santamaria's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on May 16, 2013, the Board voted to revoke William Santamaria's Teacher of Elementary School certificate. On this 25th day of July 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of William

Santamaria's certificate be effective immediately. It is further ORDERED that Santamaria 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 the provisions of *N.J.S.A.* 18A:6-38.4.