

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ALAN HURD : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-141

At its meeting of December 6, 2013, the State Board of Examiners (Board) reviewed information the staff of the Office of Certification and Induction had provided regarding Alan Hurd. In September 2001, the California Commission on Teacher Credentialing suspended Hurd's California teaching credentials for 180 days as a result of his conduct in accessing inappropriate websites on a classroom computer. When he applied for certification in New Jersey in 2010 and supplicate certification in 2013, Hurd answered "no" to the question inquiring as to whether he had ever had a certificate revoked or suspended in New Jersey or any other state. In New Jersey, Hurd currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in August 2010. Upon review of the above information, at its January 17, 2014 meeting, the Board voted to issue Hurd an Order to Show Cause.

The Board sent Hurd the Order to Show Cause by regular and certified mail on January 24, 2014. The Order provided that Hurd had 30 days to respond. The certified mail copy receipt was signed and returned and the regular mail copy was not returned. Hurd did not respond. Thereafter, on February 28, 2014, the Board sent Hurd 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 copy was not returned. Hurd did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 18, 2014, the Board sent Hurd a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Hurd 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 certificates. It also explained that upon review of the charges against him and the legal

arguments tendered in his defense, the Board would determine if Hurd's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Hurd 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, Hurd did not respond.

The threshold issue before the Board in this matter is whether Hurd's conduct in accessing inappropriate websites on a classroom computer, the suspension of his California teaching credentials and his misrepresentation on his New Jersey certification applications constitute conduct unbecoming a certificate holder. Since Hurd failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 15, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Hurd's offense were in dispute since he never denied that he had engaged in the alleged behavior. 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 Hurd's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate 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. 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 matter, Hurd's conduct in accessing inappropriate websites on a classroom computer and then misrepresenting his California suspension on not one, but two applications in New Jersey, is behavior that falls far short of

that expected of a role model for students. The Board therefore believes that the only appropriate sanction in this case is the revocation of Hurd's certificate.

Accordingly, on July 15, 2014, the Board voted to revoke Hurd's Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing. On this 24th day of July 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Alan Hurd's certificate be effective immediately. It is further ORDERED that Hurd 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.

RRH:MZ:th