

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JASON B. FENNES : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1314-104

At its meeting of November 1, 2013, the State Board of Examiners (Board) reviewed information received from the Morris County Prosecutor's Office and the Criminal History Review Unit regarding Jason Fennes. Fennes was indicted on charges of Endangering the Welfare of a Child, Sexual Assault and Aggravated Sexual Assault. If convicted, Fennes would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Fennes currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in June 1996 and a Teacher of Elementary School certificate, issued in March 1998. Upon review of the above information, at its meeting of December 6, 2013, the Board voted to issue Fennes an Order to Show Cause as to why his certificates should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent Fennes the Order to Show Cause by regular and certified mail on December 12, 2013. The Order provided that Fennes must file an Answer within 30 days. Both the regular mail and certified mail copies were returned as "Not Deliverable as Addressed." After securing the correct address for Fennes, the Board re-sent the order to Show Cause by certified and regular mail on January 10, 2014. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Fennes did not file a response. Thereafter, on March 17, 2014, the Board sent Fennes 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 returned as "Unclaimed" and the regular mail copy was not returned. Fennes did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 9, 2014, the Board sent Fennes a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Fennes 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 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Fennes 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, Fennes did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Fennes' indictment constitutes conduct unbecoming a certificate holder. Since Fennes failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of September 19, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Fennes' offense were in dispute since he never denied that he had been indicted for the offenses charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Fennes' indictment, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5*. 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 dangerous. Individuals convicted of crimes such as Endangering the Welfare of a Child, Sexual Assault and Aggravated Sexual Assault fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for 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.

In this case, Fennes has an indictment for crimes that directly involved danger to children. A teacher’s behavior outside the classroom may be relevant in determining that person’s qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 N.J. Super. 13, 30 (Sup. Ct. 1943), *aff’d*, 131 N.J.L. 326 (E & A 1944). 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 (Sup. Ct. 1943), *aff’d*, 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Fennes’ potential disqualification from service in the public schools of this State because of his indictment on charges of Endangering the Welfare of a Child, Sexual Assault and Aggravated Sexual Assault provides just cause to take action against his certificates.

Accordingly, on September 19, 2014, the Board voted to suspend Fennes’ certificates pending resolution of the criminal proceedings against him. On this 23rd day of October 2014 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Jason B. Fennes’ Teacher of Elementary School Certificate of Eligibility With Advanced Standing and Teacher of Elementary School certificate be suspended effective this day. If the charges are resolved in his favor, he shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that Fennes return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO 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