

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KALEE S. WARNICK : ORDER OF SUSPENSION
_____ : DOCKET NO: 1314-226

At its meeting of October 23, 2014, the State Board of Examiners (Board) reviewed information received from the Monmouth County Prosecutor's Office and the Criminal History Review Unit regarding Kalee S. Warnick. Warnick was indicted on charges of Aggravated Sexual Assault, Sexual Assault and Endangering the Welfare of a Child. If convicted, Warnick would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Warnick currently holds a Teacher of English Certificate of Eligibility With Advanced Standing, issued in August 2012. Upon review of the above information, at its meeting of December 12, 2014, the Board voted to issue Warnick an Order to Show Cause as to why her certificate should not be suspended pending the resolution of the criminal proceedings against her.

The Board sent Warnick the Order to Show Cause by regular and certified mail on December 17, 2014. The Order provided that Warnick must file an Answer within 30 days. Warnick filed a response on January 5, 2015. In her Answer, Warnick admitted that a student had alleged that they engaged in sexual activity during July 2013. (Answer, ¶ 3). Warnick added that this time period would have been after the conclusion of the academic calendar. (Answer, ¶ 3). Warnick admitted that she had been indicted but argued that since the crime allegedly took place in July she did not have supervisory or disciplinary authority over the alleged victim. (Answer, ¶ 4). She added that she took a voluntary leave from teaching at Wall Township High School and was currently employed outside the education field. (Answer, ¶ 4). Warnick denied that she had engaged in any inappropriate behavior. (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on January 13, 2015, the Board sent Warnick a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Warnick 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 her certificate. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if his offense warranted action against her certificate. Thereupon, the Board

would also determine the appropriate sanction, if any. Warnick was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Warnick responded on February 3, 2015.

In her Hearing Response, Warnick stated that the alleged victim, J.M., had been a student in her Freshman English class during the 2012-2013 academic year. (Hearing Response, p. 1). J.M. alleged that he and Warnick engaged in two acts of sexual penetration in July 2013. (Hearing Response, p. 2). Warnick stated that at the time of the alleged incidents she was not J.M.'s teacher, counselor, tutor or engaged in any professional relationship with him. (Hearing Response, p. 2). She also denied that any of these acts occurred. (Hearing Response, p. 2). Warnick also added that "this entire case is predicated on unsubstantiated testimony by a 14 year old boy who has a history of psychological and psychiatric problems and he was threatening to kill himself." (Hearing Response, p. 3).

The threshold issue before the Board in this matter, therefore, is whether Warnick's indictment constitutes conduct unbecoming a certificate holder. At its meeting of March 12, 2015, the Board considered the allegations in the Order to Show Cause, Warnick's Answer and Hearing Response. The Board determined that no material facts related to Warnick's offense were in dispute since she never denied that she 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 Warnick's indictment, as set forth in the Order to Show Cause, represent just cause to act against her certificate 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 Aggravated Sexual Assault, Sexual Assault and Endangering the Welfare of a Child 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, Warnick has been indicted for crimes against a child. 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 Warnick's potential disqualification from service in the public schools of this State because of her indictment for Aggravated Sexual Assault, Sexual Assault and Endangering the Welfare of a Child provides just cause to take action against her certificate.

Accordingly, on March 12, 2015, the Board voted to suspend Warnick's certificate pending resolution of the criminal proceedings against her. On this 17th day of April 2015 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Kalee S. Warnick's Teacher of English Certificate of Eligibility With Advanced Standing be suspended effective this day. If the charges are resolved in her favor, she shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that Warnick return her certificate 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

RRH/MZ/th

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.