

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFIATES OF : STATE BOARD OF EXAMINERS  
JEFFREY D. DEVERIN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1617-252

At its meeting of June 15, 2017, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Jeffrey D. Deverin. In March 2016, Deverin was indicted on two counts of Aggravated Assault (2<sup>nd</sup> degree), two counts of Aggravated Assault (4<sup>th</sup> degree), two counts of Assault by Auto (3<sup>rd</sup> degree) and two counts of Assault by Auto (4<sup>th</sup> degree). Deverin was found guilty of Assault by Auto (3<sup>rd</sup> degree) and on March 20, 2017, received an Order of Postponement. He was accepted into a Pretrial Intervention program (PTI) for 36 months as a result of the incident. The CHRU notified the Board that, as a result of his conviction, Deverin was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Deverin currently holds a Teacher of Pre-K-3 Certificate of Eligibility with Advanced Standing, issued in June 2011 and a Teacher of Elementary School in Grades K-6 Certificate of Eligibility, issued in September 2011.

Deverin 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 July 27, 2017 to issue Deverin an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Deverin the Order to Show Cause by regular and certified mail on September 22, 2017. The Order provided that Deverin had 30 days to respond.

Deverin filed a response indicating that “all the information which has presented to me is indeed factual.” (Answer, p. 1). He added that upon completion of PTI he would have the ability to have the criminal conviction removed from his record. (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 30, 2017, the Board sent Deverin a hearing notice by regular and certified mail. The notice explained that it appeared no material facts were in dispute. Thus, Deverin 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. Deverin 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. Deverin did not file a response.

The threshold issue before the Board in this matter is whether Deverin's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of March 1, 2018, the Board considered the allegations in the Order to Show Cause as well as Deverin's Answer. The Board concluded that no material facts related to Deverin's offense were in dispute since he never denied that he engaged in the conduct alleged and had been convicted. Thus, the Board therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Deverin had engaged in unbecoming conduct.

The Board must now determine whether Deverin's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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 crimes such as Assault by Auto fall squarely within this category. The strong legislative policy statement is also 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. 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 instance, Deverin's conviction demonstrates behavior that falls far short 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 and the Commissioner consider Deverin's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on March 1, 2018, the Board voted to revoke Jeffrey D. Deverin's Teacher of Pre-K-3 Certificate of Eligibility with Advanced Standing and his Teacher of Elementary School in Grades K-6 Certificate of Eligibility. On this 13th day of April 2018, the Board voted

to adopt its formal written decision and it is therefore ORDERED that the revocation of Deverin's certificates be effective immediately. It is further ORDERED that Deverin return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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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.