

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DARIUS A. TEEL : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-155

At its meeting of December 8, 2017, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Darius A. Teel. On April 13, 2017, Teel pled guilty to a third degree charge of Official Misconduct-Official Function-Benefit Less Than \$200 after possessing marijuana with the intent to distribute to inmate students. On May 19, 2017, Teel was placed on Drug Court probation for a period of five years and fined. He was also ordered to forfeit his public employment pursuant to N.J.S.A. 2C:51-2. The CHRU notified the Board that, as a result of his conviction, Teel was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Teel currently holds a Teacher of Comprehensive Business Certificate of Eligibility and a Teacher of Comprehensive Business certificate.

Teel 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 January 19, 2018 to issue Teel an Order to Show Cause as to why his certificates should not be revoked.

After securing the correct address for Teel, the Board sent him the Order to Show Cause by regular and certified mail on January 22, 2018. The Order provided that Teel had 30 days to respond. Teel responded on March 20, 2018.

In that Answer, Teel stated that before he was employed by the Department of Corrections as a teacher, he taught successfully in both the Trenton and Willingboro School Districts. (Answer, p. 1). He stated that he was not prepared for the experience of teaching at a

prison. (Answer, p. 1). He added that on the day of the incident, an individual outside the prison approached him and threatened Teel's family if he did not bring certain items to one of the prison inmates. (Answer, p. 1). Teel claimed that he feared for his family's safety and complied rather than report the interaction. (Answer, p. 1). Teel said he was disappointed in himself and understood that his actions put himself, his family and his career in danger. (Answer, p. 1). He asked the Board not to revoke his license, adding that he would be finished with Drug Court in November 2018 and that all of the drug charges had been dismissed from his record. (Answer, p. 1). He added that he was seeking employment in the private school sector. (Answer, p. 1). Finally, Teel noted that he had learned his lesson and wanted a second chance to prove "that I am not the man that was perceived by my actions but I am a dedicated educator and provider." (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 18, 2018, the Board sent Teel a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Teel 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. Teel was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned and the regular mail copy was not returned. Teel did not file a response.

The threshold issue before the Board in this matter is whether Teel's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of November 1, 2018, the Board considered the allegations in the Order to Show Cause as well as Teel's Answer. The Board determined that no material facts related to Teel's offense were in dispute since he did not deny that he had engaged in the conduct alleged in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Teel'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 Official Misconduct-Official Function-Benefit Less Than \$200 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, Teel'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 Teel's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on November 1, 2018, the Board voted to revoke Darius A. Teel's Teacher of Comprehensive Business Certificate of Eligibility and his Teacher of Comprehensive Business certificate. On this 17th day of December 2018, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Teel's certificates be effective immediately. It is further ORDERED that Teel 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.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

Date of Mailing:
Via Certified and Regular mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.