

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KERRY A. CASTLES : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-257

At its meeting of September 21, 2018, the State Board of Examiners (Board) reviewed information the Criminal History Review Unit (CHRU) had forwarded regarding Kerry A. Castles. On February 2, 2018, Castles was charged with Endangering the Welfare of a Child, by operating a motor vehicle while under the influence with a child in the car. On May 1, 2018, Castles pled guilty to the Endangering charge and was accepted into a Pre-Trial Intervention (PTI) program for a period of 24 months. She was also found guilty of Driving While Intoxicated and her driver's license was suspended for seven months. The CHRU notified the Board that, as a result of her conviction, Castles was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Castles currently holds a Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and Teacher of the Handicapped and Teacher of Elementary School in Grades K-8 certificates.

Castles did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of November 1, 2018 to issue Castles an Order to Show Cause as to why her certificates should not be revoked.

After securing a correct address for Castles, the Board sent her the Order to Show Cause by regular and certified mail on November 7, 2018. The Order provided that Castles had 30 days to respond. Castles did not respond. On December 28, 2018, the Board sent Castles another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. After learning that Castles had never received the original notice, on January 22, 2019, she was granted a 30-day extension in which to respond. Castles filed a response on February 14, 2019.

In that Answer, Castles admitted that she pled guilty to Driving While Intoxicated and Endangering the Welfare of a Child and was then accepted into PTI. (Answer, ¶ 3). Castles noted that, as of that day, she was disqualified from teaching in the public schools but indicated that she had worked "tirelessly to fix

my mistake and to get on and remain on the right track.” (Answer, ¶ 4). She detailed the steps she had taken towards rehabilitation, including: attending a rehabilitation center for 34 days, attending a relapse prevention program on a weekly basis, completing a Recovering Families Parenting Program, attending and completing Intoxicated Driver Resource Center classes, meeting monthly with a probation officer and continuing to attend regular AA meetings. She also noted that her Child Youth Services case was closed on May 29, 2018. (Answer, ¶ 4). Castles added that she truly enjoyed teaching and hoped to return as an educator. (Answer, ¶ 5). She attached copies of her certificates of completion “to prove my efforts to move forward and return to the education system.” (Answer, ¶ 6).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 18, 2019, the Board sent Castles a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Castles 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 certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Castles was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified nor the regular mail copy was returned. Castles did not file a response.

The threshold issue before the Board in this matter is whether Castles’ conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of May 17, 2019, the Board considered the allegations in the Order to Show Cause as well as Castles’ Answer. The Board determined that no material facts related to Castles’ offense were in dispute since she did not deny that she 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 Castles’ conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her 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 inappropriate role models for them. Individuals such as Castles, convicted of a crime involving Endangering the Welfare of a Child, 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 exemplars 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, Castles' conviction demonstrates behavior that falls 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 herself out as a teacher. Although Castles' has taken many steps towards rehabilitation, there is no record that she appealed her disqualification before the Commissioner. Accordingly, the Board is compelled to treat her conviction as a disqualifying offense. Thus, because the Legislature and the Commissioner consider Castles' offense so significant, and the Board must render its determination within the confines of her disqualification, the Board believes that the only appropriate sanction in this case is the revocation of Castles' certificates.

Accordingly, on May 17, 2019, the Board voted to revoke Kerry A. Castles's Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and her Teacher of the Handicapped and Teacher of Elementary School in Grades K-8 certificates. On this 28th day of June 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that Castles' certificates are hereby revoked, effective immediately. It is further ORDERED that Castles return her 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.

Rani Singh, Acting Secretary
State Board of Examiners

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.