

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
EDWIN C. CRUZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-120

At its meeting of November 1, 2018, the State Board of Examiners (Board) reviewed information the Morris County Office of Education and the Department of Children and Families, Institutional Abuse Investigation Unit (IAIU) had forwarded regarding Edwin C. Cruz. On or about June 1, 2017, IAIU was notified of an incident involving Cruz and a minor student and immediately began an investigation into the matter. On July 18, 2017, IAIU released its investigatory findings. It determined that Cruz had engaged in sexual/genital contact with a 16-year-old female student and substantiated a finding of sexual abuse/sexual penetration. During the course of the investigation, Cruz admitted to having sexual intercourse with the minor at his residence. No criminal charges were filed against Cruz.

Cruz currently holds a Substitute Credential, which expires in January 2022. Upon review of the above information, at its December 17, 2018 meeting, the Board voted to issue Cruz an Order to Show Cause as to why his credential should not be revoked.

The Board sent Cruz the Order to Show Cause by regular and certified mail on December 20, 2018. The Order provided that Cruz had 30 days to respond. Cruz filed an Answer on January 17, 2019.

In that Answer, Cruz admitted that, on June 1, 2017, at approximately 12:45 a.m., he picked up the minor in front of her house and drove her to his house. (Answer, ¶ 4). Cruz stated that he remembered asking her if she was 18 and she confirmed that fact. (Answer, ¶ 4). He admitted that they had sexual intercourse and he later drove her home. (Answer, ¶ 4). He added that no criminal charges were filed against him. (Answer, ¶ 5). Cruz noted that he was a substitute teacher

at the high school the girl attended and he had served as a substitute in a physical education class the girl was in. (Answer, ¶ 6). Cruz stated that he never had any intent to have a relationship with the girl “outside of school purposes.” (Answer, ¶ 6). He emphasized that he was a decent man who made a poor judgment call. (Answer, ¶ 7). He added that he was an active member of his church and his community. (Answer, ¶ 7). Cruz also acknowledged that there was a distinction between the morals/ethics and the legalities of the situation. (Answer, ¶ 7). He admitted that he was wrong, morally and ethically, given the girl’s age and that he would always be haunted by the incident in the future. (Answer, ¶ 7). He noted that the legal age of consent in New Jersey was 16 “so legally I was not wrong,” but emphasized that he was not proud of his actions and had let others and himself down. (Answer, ¶ 7). Cruz added that he had given the girl his contact information, not to pursue a relationship with her, but “for purposes of providing help or assistance.” (Answer, ¶ 7). Finally, Cruz added that he still had knowledge and experience to share and that “this instance is not who I am, but a mistake I have made and that I am very remorseful of.” (Answer, ¶ 7). Cruz asked the Board not to revoke his substitute certification. (Answer, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 15, 2019, the Board sent Cruz a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Cruz was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his credential as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his credential. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Cruz’s offense warranted action against his credential. Thereupon, the Board would

also determine the appropriate sanction, if any. Cruz 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. Cruz did not file a response.

The threshold issue before the Board in this matter is whether Cruz's conduct constitutes 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 Cruz's Answer. The Board determined that no material facts related to Cruz's offense were in dispute since he admitted that he had engaged in the alleged conduct. Thus, the Board 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 Cruz had engaged in unbecoming conduct.

The Board must now determine whether Cruz's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. 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-4.4*. "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). Cruz's conduct in having sexual contact with a student clearly indicates a serious lapse in judgment. The Board therefore concludes that the appropriate response to his breach is the revocation of his credential.

Accordingly, on May 17, 2019, the Board voted to revoke Edwin C. Cruz's Substitute Credential. On this 28th day of June 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Cruz's credential is hereby revoked, effective immediately. It is further ORDERED that Cruz return his credential 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.