

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
THOMAS D. WILLIAMS : ORDER OF SUSPENSION
_____ : DOCKET NO: 1718-159

At its meeting of December 8, 2017, the State Board of Examiners (Board) reviewed information the State-Operated School District of the City of Newark (Newark) provided regarding Williams. Williams resigned his tenured position with Newark, following tenure charges of unbecoming conduct, corporal punishment, insubordination and neglect of duty. In the tenure charges (which are incorporated herein by reference) Newark alleged that on March 6, 2014, Williams intentionally struck a first-grade student, S.V., in the face and/or head with a book after S.V. attempted to put a book away.

Among other charges, Newark also alleged that Williams refused to report to his newly assigned school from October 17, 2013 and December 20, 2013, even after being advised to do so both verbally and in writing. Between December 3, 2013 and December 20, 2013, Williams reported to Central Office in the morning and “clocked in” and re-appeared in the afternoon to “clock out.” During the course of those days, Williams did not remain in Central Office nor did he report to his assigned school or perform any duties for the district.

Newark also alleged that on March 5, 2014, when Williams was assigned Lunch Duty and responsible for supervising the location designated for children with peanut allergies, he was asked by a school administrator to circulate and supervise the students. Williams stated, “I am not going to do that” and muttered a profane comment in front of students to the effect of “get the f--- out of here.” When asked by the administrator to repeat what he had just said, Williams refused. He was then ordered to report to the main office to discuss his conduct but refused and stated, “I’m not going anywhere.” After that, Williams stood up, approached the school administrator in an aggressive manner, positioned his face approximately two inches from the school administrator’s face and then struck the school administrator twice on the arm. Williams then abandoned his Lunch Duty assignment.

Williams currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility, issued in March 2000 and a Teacher of Elementary School in Grades K-5 certificate, issued in June 2002. After reviewing the above information, at its January 19, 2018 meeting, the Board voted to issue Williams an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Williams the Order to Show Cause by regular and certified mail. The Order provided that Williams must file an Answer within 30 days. Williams responded on March 16, 2018. In his Answer, Williams admits that he resigned his position in the District but denied the allegations against him. (Answer, ¶ 3). Williams denied using terms of endearment and assaulting a student. *Id.* at ¶ 4. Further, Williams denies going “AWOL” or failing to report to the office, as well as leaving without permission or failing to complete or disregarding an assignment. *Id.* at ¶ 5.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. After entry into a consent order whereby the order to show cause was revised to correct an error, the hearing in this matter took place on February 18 and 19, 2020. Administrative Law Judge (ALJ) Caridad F. Rigo closed the record on May 29, 2020, and ALJ Rigo issued an Initial Decision on June 23, 2020. *In the Matter of the Certificate(s) of Thomas D. Williams, Jr.*, Dkt. No. EDE 07073-18 (Initial Decision, June 23, 2020).

Upon conclusion of the hearing, Williams filed a motion seeking dismissal of allegation four (4) in the order to show cause. ALJ Rigo dismissed this allegation because the Board was unable to produce testimony/evidence regarding same. Allegation four (4) was, therefore, dismissed for lack of evidence.

Nevertheless, ALJ Rigo found that Williams did not report to school from October 2013 to December 2013 after being advised to do so verbally and in writing. (Initial Decision, p. 9). He also found that Williams abandoned his lunch duties in March 2014 and left the building after becoming confrontational and using profane language in front of students. *Id.* Williams also reported late for both lunch duty and his classroom assignments and he failed to submit lesson plans in a timely manner. *Id.*

ALJ Rigo found that Williams’ testimony was not “persuasive or credible.” *Id.* at p. 10. He further found that Williams lacked good behavior, good judgment, good teaching skills and professionalism. He

found that Williams' conduct was "inappropriate and irresponsible." *Id.* However, Williams' conduct did not warrant revocation because his misconduct "occurred for a relatively short period of time, was an aberration, and not his standard pattern of behavior." *Id.* ALJ Rigo found that Williams' unbecoming conduct warranted a 60-day suspension of his educator certificates.

On July 27, 2020, after extensions for filing, the Deputy Attorney General (DAG) assigned to the matter filed exceptions. On July 28, 2020 Williams's counsel also submitted exceptions. The DAG argued that the finding of unbecoming conduct warranted a greater penalty than that imposed by ALJ Rigo. (Board Exceptions, p. 1). The DAG also argued that ALJ Rigo erroneously dismissed allegation four (4) from the Order to Show Cause. *Id.* at p. 6. Further, it was argued that a single incident of corporal punishment has been found significant enough for revocation. *Id.* at p. 8.

In his exceptions, Williams argues that Williams's dispute with an administrator during lunch duty was not conduct unbecoming and cannot support suspension. (Williams Exceptions, p. 15). Further, Williams argued that his lateness, issues with lesson plans, and related conduct do not support a finding of unbecoming conduct and suspension because they are minimal. They are acts of inefficiency, not unbecoming conduct. *Id.* at p. 20.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of October 29, 2020, the Board reviewed the Initial Decision. After full and fair consideration of the Initial Decision the Board voted to adopt it in its entirety.

"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. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings, and the findings regarding allegation four (4). As noted above, after assessing the evidence and credibility of the witnesses, ALJ Rigo concluded that Williams engaged in unbecoming conduct when he failed to report to the appropriate school, complete lesson plans, abandoned lunch duty and engaged in a heated discussion with profane language in front of students. His conduct

indicates a lapse in judgment and convinced the ALJ that suspension was warranted here. After reviewing the entire record, the Board agrees with the ALJ's assessment regarding both the nature of Williams' conduct and the penalty to be assessed.

Accordingly, on October 29, 2020, the Board voted to adopt the Initial Decision and ordered the suspension of Williams's certificates. On this 10th day of December 2020, the Board formally adopted its written decision to adopt the Initial Decision and it is therefore ORDERED that Thomas D. Williams Teacher of Elementary School in Grades K-5 Certificate of Eligibility and Teacher of Elementary School in Grades K-5 certificates are hereby suspended for sixty (60) days, effective immediately. It is further ordered that Williams 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.

Rani Singh, Secretary
State Board of Examiners

RS/KG/rg

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.