

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DANIEL L. DEJESUS : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-180

At its meeting of May 17, 2019, the State Board of Examiners (Board) reviewed information regarding Daniel L. DeJesus. In July 2018, DeJesus was indicted on charges of Burglary (3rd degree), Theft by Unlawful Taking (3rd degree) and Fencing (3rd degree). DeJesus had entered the victim's residence without permission and stole a necklace valued at \$3000, which he later fenced. On January 25, 2019, DeJesus received an Order of Postponement and entered a Pre-Trial Intervention (PTI) program for a period of 24 months after he pled guilty to Burglary (3rd degree). The Office of Student Protection (OSP), formerly the Criminal History Review Unit, notified the Board that, as a result of his conviction, DeJesus is disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* DeJesus holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, Teacher of Health and Physical Education, and Supervisor certificates.

DeJesus 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 June 28, 2019 to issue DeJesus an Order to Show Cause as to why his certificates should not be revoked.

After obtaining a correct address for DeJesus, the Board sent him the Order to Show Cause by regular and certified mail on September 17, 2019. The Order provided that DeJesus had 30 days to respond. The certified mail card was returned unclaimed and the regular mail was not returned. DeJesus did not respond.

Thereafter, on October 31, 2019, the Board sent DeJesus another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. DeJesus did not file a response.

Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 18, 2019, the Board sent DeJesus a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, DeJesus 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. DeJesus was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was returned “unclaimed” and the regular mail copy was not returned. Once again, DeJesus did not file a response.

The threshold issue before the Board in this matter is whether DeJesus’ conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since DeJesus failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of February 28, 2020, the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to DeJesus’ offense

were in dispute since he never denied that he engaged in the conduct alleged and had been convicted and 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 DeJesus engaged in unbecoming conduct.

The Board must now determine whether DeJesus' conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential 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 were not proper examples for them. Individuals convicted of crimes such as Burglary 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, DeJesus's conviction for Burglary (3rd degree) 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 DeJesus' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on February 28, 2020, the Board voted to revoke Daniel L. DeJesus's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, Teacher of Health and Physical Education, and Supervisor certificates. On this 14th day of May 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of DeJesus's certificate be effective immediately. It is further ORDERED that DeJesus 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

Date of Mailing:
By 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.