

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JAMES W. OCHSE : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-186

At its meeting of April 12, 2019, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Pennsylvania Professional Standards and Practices Commission (“Pennsylvania”) forwarded regarding James W. Ochse. In November 2018, Pennsylvania revoked Ochse’s teaching certificate after he pled guilty over several years to various offenses. In October 2013, he pled guilty to Criminal Trespass and Criminal Mischief following allegations he broke into his ex-wife’s home and spent the day there using her computer and sleeping. Ochse also pled guilty in 2014 to Resisting Arrest after he entered the lobby of a police station and began yelling profanities and making demands. After being told he was under arrest, he fled the building and was pursued by officers. He then bit one arresting officer on the finger during a struggle. In January 2016, Ochse pled guilty to Disorderly Conduct-Unreasonable Noise and Disorderly Conduct-Engaging in Fighting stemming from two different incidents. In May 2016, Ochse was convicted of Disorderly Conduct-Hazardous Condition after he stepped into the lane of travel of an oncoming vehicle forcing the driver to stop abruptly.

In New Jersey, Ochse currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing certificate. Upon review of the above information, at its May 17, 2019 meeting, the Board voted to issue Ochse an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Ochse the Order to Show Cause by regular and certified mail on June 25, 2019 after obtaining a new address for service. The Order provided that Ochse had 30 days to respond. The certified mail card was returned unclaimed and the regular mail was not returned. Ocshe did not respond.

Thereafter, on August 5, 2019, the Board sent Ochse 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. Ochse did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on September 3, 2019, the Board sent Ochse 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, Ochse 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 certificate. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Ochse’s offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Ochse was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Ochse did not file a response.

The threshold issue before the Board in this matter is whether Ochse’s conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of January 23, 2020, the Board considered the allegations in the Order to Show Cause, the information received from NASDTEC and Pennsylvania. The Board concluded that no material facts related to Ochse’s offense were in dispute since he did not deny the alleged conduct 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)*. After reviewing the allegations, the Board found that Ochse engaged in unbecoming conduct.

The Board must now determine whether Ochse’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). Ochse’s actions in being revoked in Pennsylvania after several criminal convictions on various charges including criminal trespass, criminal mischief, resisting arrest, and disorderly conduct clearly indicate a serious lapse in judgment. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificate.

Accordingly, on January 23, 2020, the Board voted to revoke James W. Ochse’s Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing certificate. On this 28th day of February 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ochse’s certificate be effective immediately. It is further ORDERED that Ochse return his certificate 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:
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.