

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
ROBERT C. ASCH : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1920-109

At its meeting of July 30, 2020, the State Board of Examiners (Board) reviewed information regarding Robert C. Asch. The United States District Court, Southern District of New York and the Office of Student Protection (OSP) provided information to the State Board of Examiners (Board) regarding Asch. On January 31, 2018, the United States District Court, Southern District of New York, entered Judgment in a Criminal Case and found Asch guilty of 2 counts of Conspiracy to Commit Kidnapping. As a result, Asch was sentenced to 15 years imprisonment on each count to run concurrently. The OSP notified the Board that as a result of his conviction for Conspiracy to Commit Kidnapping, Asch is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Asch holds a Professional Librarian Certificate.

Asch 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 of December 13, 2019 to issue Asch an Order to Show Cause as to why his certificates should not be revoked.

On December 17, 2019, the Board sent him the Order to Show Cause by regular and certified mail. The Order provided that Asch had 30 days to respond. Asch's counsel responded that Asch would like to relinquish his certificates. The Board office then sent the appropriate forms for relinquishment, but the Board did not receive a signed relinquishment affidavit.

Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on June 3, 2020, the Board sent Asch 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, Asch 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. Asch was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was signed, and the regular mail copy was not returned. Once again, Asch did not file a response.

The threshold issue before the Board in this matter is whether Asch's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Asch 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 July 30, 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 Asch's 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 Asch engaged in unbecoming conduct.

The Board must now determine whether Asch's 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 Conspiracy to Commit Kidnapping 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, Asch's conviction for Conspiracy to Commit Kidnapping 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 Asch's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on July 30<sup>th</sup>, 2020, the Board voted to revoke Robert Christopher Asch's Professional Librarian certificate. On this 29<sup>th</sup> day of October 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Asch's certificate be effective immediately. It is further ORDERED that Asch 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.

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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.