

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
EDWARD CLARKE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1617-178

At its meeting of February 28, 2020, the Passaic County Prosecutor's Office, the Office of Student Protection (OSP) and the Department of Children and Families, Institutional Abuse Investigation Unit, provided information to the State Board of Examiners (Board) regarding Clarke. On August 22, 2016, Clarke was indicted on charges of Sexual Assault (2<sup>nd</sup> degree) and Endangering the Welfare of a Child (2<sup>nd</sup> degree). The indictment alleges that Clarke purposely grabbed his student's breasts as he hugged her from behind.

On October 10, 2019, Clarke pled guilty to an amended count of Abuse/Abandonment/Cruelty and Neglect of Child (4<sup>th</sup> degree). On November 22, 2019 he was sentenced to probation for 3 years and ordered to have no contact with the victim, along with other requirements. As a result of the conviction, Clarke is disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Edward Clarke is the holder of a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, issued in December 2004, and a Teacher of Health and Physical Education certificate issued in September 2006.

Clarke 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 May 14, 2020 to issue Clarke an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Clarke the Order to Show Cause by regular and certified mail on June 3, 2020. The Order provided that Clarke had 30 days to respond. Clarke filed a response wherein he indicated he took a "plea deal" due to the fact that prosecution of the matter was taking a long time.

He had concerns about having twelve members of a jury decide his fate without knowing him. He believes he was wrongfully accused.

Based upon the response, there were no material facts in dispute. Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 27, 2020, the Board sent Clarke 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, Clarke 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. Clarke 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. Once again, Clarke did not file a response.

The threshold issue before the Board in this matter is whether Clarke's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Clarke 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 January 22, 2021, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and OSP. The Board concluded that no material facts related to Clarke's offense were in dispute since he never denied that he had 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 Clarke engaged in unbecoming conduct.

The Board must now determine whether Clarke's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates 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 to be a danger. Individuals convicted of a crime such as Abuse/Abandonment/Cruelty and Neglect 4<sup>th</sup> degree and 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, Clarke's conviction for Abuse/Abandonment/Cruelty and Neglect 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 Clarke's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on January 22, 2021, the Board voted to revoke Edward Clarke's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing and Teacher of Health and Physical Education certificate. On this 26<sup>th</sup> day of February 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that Clarke's certificates are revoked, effective immediately. It is further ORDERED that Clarke 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

**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.