

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN D. FOERSTER : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-183

At its meeting of May 14, 2020, the National Association of State Directors of Teacher Education and Certification and the Pennsylvania Professional Standards and Practices Commission (Pennsylvania) provided information to the State Board of Examiners (Board) regarding Foerster. On February 15, 2019, Foerster's Pennsylvania educator license(s) were revoked after he was convicted of Endangering the Welfare of Children and Driving Under the Influence – 3rd Offense.

In New Jersey, Foerster is the holder of a Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing, and a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing. Upon review of the above information, at its June 26, 2020 meeting, the Board voted to issue Foerster an Order to Show Cause as to why his certificates should not be revoked.

On July 1, 2020, the Board sent Foerster the Order to Show Cause by regular and certified mail. The Order provided that Foerster had 30 days to respond. Foerster did not respond. Service of the Order was made via regular and certified mail. Regular mail was not returned, and the certified mail was signed as received. On September 9, 2020, the Board sent Foerster another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned, and the regular mail copy was not returned. Foerster did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 6, 2020, the Board sent Foerster 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, Foerster 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 Foerster's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Foerster 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, Foerster did not file a response.

The threshold issue before the Board in this matter is whether Foerster's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Foerster 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 NASDTEC and Pennsylvania. The Board concluded that no material facts related to Foerster's conviction were in dispute since he never denied that he had engaged in the conduct alleged. 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 Foerster engaged in unbecoming conduct.

The Board must now determine whether Foerster's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates 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). Foerster's conviction for Endangering the Welfare of a Child and Driving Under the Influence is unacceptable for a role model. That action led the Board to conclude that the appropriate response to his breach is the revocation of his New Jersey certificates.

Accordingly, on January 22, 2021, the Board voted to revoke John D. Foerster's Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing, and Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing. On this 26th day of February 2021 the Board voted to adopt its formal written decision and it is therefore ORDERED that Foerster's certificate(s) are hereby revoked, effective immediately. It is further ORDERED that Foerster 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.