

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DAVID BROACH : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-180

The Freedom Prep Charter School (Freedom Prep) provided the State Board of Examiners (Board) with information on David Broach (Broach), a former teacher in the charter school who was terminated because of allegations of inappropriate interactions with students. Specifically, Freedom Prep alleged Broach inappropriately communicated with students via texts and social media, made a student uncomfortable when he touched her lower back, hugged her and grabbed her wrist, and made comments to the student about her sister's pants.

Broach currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing (CEAS), issued October 2018. After reviewing the information from Freedom Prep, the Board voted to issue an Order to Show Cause to Broach as to why his certificates should not be revoked at its June 26, 2020 meeting.

The Board sent Broach the Order to Show Cause by regular and certified mail on July 1, 2020. The Order provided that Broach had 30 days to respond. The certified mail receipt was "unclaimed" pursuant to the United States Postal tracking system and the regular mail copy was not returned. Broach did not respond. On September 9, 2020, the Board sent Broach 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. Broach did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 2, 2020, the Board sent Broach a hearing notice by regular and certified mail. The notice explained that pursuant to *N.J.A.C. 6A:9B-4.6(c)* the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Broach 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 Broach's conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Broach was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was "unclaimed", and the regular mail copy was not returned. Once again, Broach did not file a response.

The threshold issue before the Board in this matter is whether Broach's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Broach 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 26, 2021, the Board considered only the allegations in the Order to Show Cause. The Board concluded that no material facts related to Broach's conduct were in dispute since he never denied that he 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 Broach engaged in unbecoming conduct.

The Board must now determine whether Broach'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). Broach's actions, which led

to his termination from Freedom Prep, clearly demonstrate conduct that is unacceptable for any adult, especially one who is ostensibly a role model. The Board therefore concludes that the only appropriate response to his breach is a revocation of his certificates.

Accordingly, on February 26, 2021, the Board voted to revoke David Broach's Teacher of Health and Physical Education CEAS. On this 1st day of April, 2021 the Board voted to adopt its formal written decision and it is therefore ORDERED that Broach's certificates are hereby revoked, effective immediately. It is further ORDERED that Broach 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 *N.J.S.A.* 18A:6-38.4.