

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
GARRETT J. CUNNINGHAM : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1920-182

The State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Commonwealth of Pennsylvania Professional Standards and Practices Commission (Commission) forwarded regarding Garret J. Cunningham (Cunningham). On April 30, 2019, Cunningham surrendered his Pennsylvania educator license after he was convicted in November 2018 of Driving Under the Influence: General Impairment/Incapable of Driving Safely (1st offense); Endangering the Welfare of Children; and Fleeing/Attempting to Elude a Police Officer.

In New Jersey, Cunningham currently holds a Teacher of Social Studies Certificate of Eligibility with Advanced Standing (CEAS), issued August 2013; a Teacher of Students with Disabilities Certificate of Eligibility (CE), issued August 2013; and a Teacher of Social Studies Certificate, issued May 2014. Upon review of the above information, at its June 26, 2020 meeting, the Board voted to issue Cunningham an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Cunningham the Order to Show Cause by regular and certified mail on July 1, 2020. The Order provided that Cunningham had 30 days to respond. The certified mail receipt was signed as received and the regular mail copy was not returned. Cunningham did not respond. On September 9, 2020, the Board sent Cunningham 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 as received, and the regular mail copy was not returned. Cunningham did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 2, 2020, the Board sent Cunningham 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, Cunningham 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 Cunningham's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Cunningham was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed as received and the regular mail copy was not returned. Once again, Cunningham did not file a response.

The threshold issue before the Board in this matter is whether Cunningham's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Cunningham 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 and the information received from NASDTEC and the Commission. The Board concluded that no material facts related to Cunningham's offense 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 Cunningham engaged in unbecoming conduct.

The Board must now determine whether Cunningham'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 based on 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). Cunningham’s conviction for Driving Under the Influence: General Impairment/Incapable of Driving Safely (1st offense), Endangering the Welfare of Children, and Fleeing/Attempting to Elude a Police Officer and the surrender of his Pennsylvania certificate, lead the Board to conclude that the appropriate response to his breach is the revocation of his New Jersey certificates.

Accordingly, on February 26, 2021, the Board voted to revoke Cunningham’s Teacher of Social Studies CEAS, Teacher of Students with Disabilities CE, and Teacher of Social Studies Certificate. On this 1st day of April 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that Cunningham’s certificates are hereby revoked, effective immediately. It is further ORDERED that Cunningham 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.