

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION

THE CREDENTIAL OF : STATE BOARD OF EXAMINERS

NAHRI M. HICKMAN : ORDER OF REVOCATION

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At its meeting of September 21, 2023, the State Board of Examiners (Board) reviewed information from the Atlantic County Prosecutor's Office and the Office of Student Protection (OSP) regarding Nahri M. Hickman. Hickman currently holds a Substitute credential, expiring in December 2026.

On or about May 18, 2022, Hickman was charged with Endangering the Developmentally Disabled-Reckless Substantial Risk Bodily Injury (4th degree), *N.J.S.A. 2C:24-7.1B(1)*; and Simple Assault, *N.J.S.A. 2C:12-1A(1)*. On February 20, 2023, Hickman was indicted on one count of Endangering the Developmentally Disabled-Reckless Substantial Risk Bodily Injury (4th degree), *N.J.S.A. 2C: 24-7.1B(1)*. Hickman was alleged to have physically assaulted a nonverbal and autistic patient. Specifically, he allegedly used inappropriate force against a developmentally disabled adult for which he provides care, including flipping the developmentally disabled adult off his mattress onto the floor. On July 5, 2023, Hickman received an Order of Postponement and was entered into the Pre-Trial Intervention Program (PTI) for a period of 24 months and was ordered no contact with the victim and not to work with disabled individuals while on PTI.

Upon review of the above information, the Board voted, at its meeting of October 27, 2023, to issue Hickman an Order to Show Cause as to why his certificates should not be revoked. The Board sent Hickman the Order to Show Cause by regular and certified mail on October 31, 2023. The Order provided that Hickman had 30 days to respond pursuant to *N.J.A.C. 6A:9B- 4.6(b)*. The certified mail copy was marked "Delivered, Left with Individual" and the regular mail was not

returned. Hickman did not file a response. On January 11, 2024, the Board sent Hickman another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause pursuant to *N.J.A.C. 6A:9B-4.6(c)*. The certified mail copy was “Unclaimed/Being Returned to Sender” and the regular mail copy was not returned. Hickman did not file a response. On March 27, 2024, the Board sent another notice by certified and regular mail. The certified mail was “Delivered, Left with Individual” and the regular mail was not returned. Hickman did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(c)*, on June 18, 2024, the Board sent Hickman a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Hickman 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. Hickman 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. Hickman did not file a response, nor did he notify the Board that he wished to appear for a hearing.

The threshold issue before the Board in this matter is whether Hickman’s actions here constitute conduct unbecoming a certificate holder or other just cause. Because Hickman failed to respond to the Order to Show Cause, the allegations are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of September 19, 2024, the Board considered only the allegations in the Order to Show Cause and the information received from OSP and the Atlantic County

Prosecutor's Office. The Board concluded that no material facts related to Hickman's offense were in dispute because he never denied that he had engaged in the alleged conduct. Thus, since no material facts related to Hickman's conduct are in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. The Board finds that Hickman engaged in conduct unbecoming of an educator. Physically assaulting a nonverbal and autistic patient is clearly unbecoming conduct and provides the basis for the Board's finding.

The Board must now determine whether Hickman's conduct, as set forth in the Order to Show Cause, represents just cause to act against his credential, pursuant to *N.J.A.C. 6A:9B-4.4*. A "violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct" may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960); accord *Bound Brook Bd. of Educ.*, 228 N.J. at 13. 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, the Board finds that Hickman's conduct in physically assaulting a patient provides just cause to take action against her certificate. The record established that Hickman used inappropriate force against a developmentally disabled adult for which he provided care. Specifically, Hickman flipped the developmentally disabled adult off his mattress and onto the floor, risking bodily injury. As part of his PTI, Hickman was required to undergo anger management counseling and was not permitted to work with any disabled individuals during his

24-months in the program. Hickman's behavior here was egregious and not that of a role model.

As to the appropriate penalty to be applied, 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. In this instance, the Board concludes that the appropriate response to Hickman's breach in conduct of an educator is revocation of his credential.

Accordingly, on September 19, 2024, the Board voted to revoke Nahri M. Hickman's Substitute credential. On this 1st day of November 2024, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Nahri M. Hickman's credential be REVOKED, effective immediately. It is further ORDERED that Hickman return his credential 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

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*.