

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
DAVID CALERO : ORDER OF REVOCATION
_____ : DOCKET NO: 2324-129

At its meeting of March 1, 2024, the State Board of Examiners (Board) reviewed information from the Middlesex County Prosecutor's Office and the Office of Student Protection (OSP) regarding David Calero. Calero currently holds a Substitute credential, expiring in August 2026.

On or about September 4, 2023, Calero was charged with Aggravated Assault Bodily Injury/Fleeing (2nd degree), *N.J.S.A. 2C:12-1B(6)*, and Resisting Arrest/Eluding (3rd degree), *N.J.S.A. 2C:29-2B*, after allegedly fleeing law enforcement officers, driving at a high rate of speed, crashing his vehicle into a building, and causing injury to a passenger in his vehicle. On October 19, 2023, Calero pled guilty to Resisting Arrest/Eluding (3rd degree), *N.J.S.A. 2C:29-2B*. On December 18, 2023, he was sentenced to probation for two years and lost the privilege to operate a motor vehicle in New Jersey for six months. The OSP notified the Board that, as a result of his conviction for Resisting Arrest/Eluding (3rd degree), Calero is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Further, on or about May 30, 2023, Calero was charged with Aggravated Assault (3rd degree), *N.J.S.A. 2C:12-1B(2)*, Possession of a Weapon for Unlawful Purpose (3rd degree) *N.J.S.A. 2C:39-4D*, and Unlawful Possession of Weapon (4th degree), *N.J.S.A. 2C:39-5D*, after he allegedly attempted to strike a victim with a crowbar. These charges remain pending.

On or about December 26, 2022, Calero was charged with Simple Assault-Purposely Knowingly Cause Bodily Injury, *N.J.S.A. 2C:12-1A(1)*, a disorderly offense, to which he pled

guilty on January 11, 2023 and was ordered to pay fines and costs.

Lastly, on or about October 17, 2022, Calero was charged with Terroristic Threats/Threaten Imminent Death/Purpose Fear (3rd degree), *N.J.S.A. 2C:12-3B*, after he allegedly threatened to kill a victim and himself. On March 15, 2023, Calero pled guilty to a lesser charge of Harassment-Communication in Manner to Cause Alarm, *N.J.S.A. 2C:33-4A* and was ordered to pay fines and costs.

Upon review of the above information, the Board voted at its April 11, 2024 meeting to issue Calero an Order to Show Cause as to why his certificates should not be revoked. The Board sent Calero the Order to Show Cause by regular and certified mail on April 22, 2024. The Order provided that Calero had 30 days to respond pursuant to *N.J.A.C. 6A:9B- 4.6(b)*. The certified mail copy was marked “Unclaimed/Return to Sender,” and the regular mail was not returned. When the certified mail is returned and marked “unclaimed” or “refused,” service is considered effective if the regular mail is not returned. *R. 6:2-3(d)(4)*. Calero did not file a response. On June 3, 2024, the Board sent Calero 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 marked “Delivered” and the regular mail copy was not returned. Calero did not file a response.

On August 15, 2024, the Board sent Calero a hearing notice by regular and certified mail pursuant to *N.J.A.C. 6A:9B-4.6(c)*. The notice explained that there appeared to be no material facts in dispute. Thus, Calero 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. Calero was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was marked “Unclaimed/Return to Sender,” and the regular mail copy was not returned. Calero did not file a response.

The threshold issue before the Board in this matter is whether Calero’s actions here constitute conduct unbecoming a certificate holder or other just cause. Because Calero 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 November 1, 2024, the Board considered only the allegations in the Order to Show Cause and the information received from the Middlesex County Prosecutor’s Office and the OSP. The Board concluded that no material facts related to Calero’s offenses were in dispute because he never denied that he had engaged in the alleged conduct. Thus, since no material facts related to Calero’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 Calero engaged in conduct unbecoming of an educator. Pursuant to *N.J.A.C.* 6A:9B-4.4, the Board may take action against a certificate holder on the basis of conduct unbecoming a teacher. 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. “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.

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)). 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). A conviction for fleeing law enforcement officers, driving a high rate of speed, crashing his vehicle into a building and causing injury to a passenger in his vehicle, along with a conviction for simple assault and a conviction for harassment after threatening to kill a victim and himself, are certainly conduct unbecoming an educator and provides the basis for the Board’s finding.

Further, 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. A conviction for Resisting Arrest/Eluding (3rd degree), *N.J.S.A.* 2C:29-2B, is clearly one of the listed crimes for which an individual is permanently disqualified from public school employment. *N.J.S.A.* 18A:6-7.1(c)(2). 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.

Having found that Calero engaged in unbecoming conduct, the Board must now determine the appropriate penalty to be applied. The Board may revoke or suspend the certification of any certificate holder if the certificate holder engages in conduct unbecoming a teacher. *N.J.A.C.* 6A:9B-4.4. In this instance, the Board concludes that the appropriate response to Calero’s breach

in conduct of an educator is revocation of his credential. Specifically, Calero's actions in attempting to evade law enforcement by driving at a high rate of speed and crashing his vehicle into a building injuring his passenger, committing simple assault, and threatening to kill a victim and himself, as well as his disqualification from public school employment, warrant revocation of his credential. Further, the record established that, as a result of his conviction for Resisting Arrest/Eluding (3rd degree), *N.J.S.A. 2C:29-2B*, Calero is disqualified from public school employment. An educator who is not qualified for public school employment should not be able to hold himself out as a public educator. Thus, revocation of his credential is the appropriate response in this matter.

Accordingly, on November 1, 2024, the Board voted to revoke David Calero's Substitute credential. On this 6th day of December 2024, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Calero's credential be REVOKED, effective immediately. It is further ORDERED that Calero 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*.