

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PHILIP MURRAY : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-185

At its meeting of January 23, 2003, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on January 16, 2002, Philip Murray pled guilty to aggravated assault. On March 22, 2002, Murray was sentenced to two years' probation, prohibited from working with children under 6 and ordered to obtain anger management counseling. The court also ordered Murray to forfeit his public school position. Murray is currently the holder of Teacher of Elementary School, Teacher of English, Supervisor, Teacher of Health and Physical Education, Teacher of Driver Education and Principal/Supervisor certificates and Principal/Supervisor and School Administrator Certificates of Eligibility, all issued prior to August 1999. Upon review of the above information, at its January 2003 meeting, the State Board of Examiners voted to issue Murray an Order to Show Cause.

The Board sent Murray the Order to Show Cause by regular and certified mail on July 10, 2003. The Order provided that an Answer must be filed within 20 days. The certified mail receipt was returned but the regular mail was not. Murray did not file an Answer. On December 23, 2003, the Board sent Murray a second notice by regular and certified mail affording him ten additional days to file a response. The regular mail was not returned and the certified mail was returned as unclaimed. Once again, Murray did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Murray's conviction and subsequent forfeiture of his public position give the Board just cause to act against his certificates pursuant to N.J.A.C. 6A:9-17.5. Since Murray did not

respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6A:9-17.7(c). Since Murray's conviction and forfeiture are admitted, the Board of Examiners must now decide whether they constitute a sufficient basis to act against his certificates pursuant to N.J.A.C. 6:A:9-17.5. We find that they do.

The State Board of Examiners 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:9-17.5. "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. Murray's act of sexually assaulting a minor is inexcusable for any individual, especially an assistant principal who is supposed to be an educational leader in the district. His behavior negates any claim he can have to being a role model for children.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). In this instance, Murray's crime, serves as a sufficient predicate to bar him permanently from all of New Jersey's classrooms, not just his district's.

Accordingly, it is therefore ORDERED that Philip Murray's Teacher of Elementary School, Teacher of English, Supervisor, Teacher of Health and Physical Education, Teacher of Driver Education and Principal/Supervisor certificates and Principal/Supervisor and School

Administrator Certificates of Eligibility be revoked on this 1st day of April 2004. It is further ORDERED that Murray return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: October 14, 2004

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.