

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GREGORY STAUFFER : ORDER OF SUSPENSION
_____ : DOCKET NO: 0405-112

At its meeting of October 28, 2004, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that on November 12, 2003, Gregory Stauffer had been arrested and charged with sexual assault with penetration. As a result of this arrest, Stauffer was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Stauffer did not challenge the accuracy of his criminal history record. In addition to the criminal charges, the Division of Youth and Family Services (DYFS) investigated and substantiated allegations of sexual abuse against Stauffer. DYFS found that Stauffer had committed sexual/genital contact with one of his students. Upon review of the above information, at its October 28, 2004 meeting, the State Board of Examiners voted to issue Stauffer an Order to Show Cause as to why his certificates should not be suspended pending resolution of the criminal charges against him. Stauffer currently holds a Teacher of Music Certificate of Eligibility With Advanced Standing, issued in July 2002 and a Teacher of Music certificate, issued in June 2003.

The Board sent Stauffer the Order to Show Cause by regular and certified mail on January 31, 2005. Both copies were returned as undeliverable and the Motor Vehicles Commission could not provide a current address for him. Accordingly, the Order was published in two New Jersey newspapers on August 14 and 17, 2005. Stauffer did not respond to the published notice.

At its meeting of November 3, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Stauffer's offense were in dispute since he had never denied that he had been charged with the offense nor did he deny the resulting potential disqualification in the event of a conviction. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Stauffer's arrest and possible resultant disqualification, and his conduct as established in the DYFS report, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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 to them. Individuals convicted of a crime of violence fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of acts of violence by teaching-staff members. "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 case, Stauffer has an arrest for a violent crime that directly endangered children. A teacher’s behavior outside the classroom may be relevant in determining that person’s qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E&A 1944). 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 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Stauffer’s arrest and his potential disqualification from service in the public schools of this State for the offense of sexual assault with penetration provides just cause to take action against his certificates.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she would be barred from service in public schools if convicted of that offense, should not be permitted to retain the license that authorizes such service while the courts determine his or her culpability. Thus, because the Legislature considers Stauffer’s offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction pending resolution of the criminal charges against him is the suspension of his certificates to teach.

Accordingly, it is therefore ORDERED that Gregory Stauffer’s Teacher of Music Certificate of Eligibility With Advanced Standing and Teacher of Music certificate be suspended on this 3rd day of November 2005. If the charges are resolved in his favor, he shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that Stauffer return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: DECEMBER 2, 2005

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