

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
WILLIAM THOMPSON : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-209

At its meeting of March 30, 2006, the State Board of Examiners reviewed information the Commissioner of Education had forwarded regarding William Thompson. The Somerville Board of Education had certified tenure charges against Thompson alleging that he had had an intimate relationship with a student, had sent inappropriate text and e-mail messages to that student and that he had viewed pornographic material on his personal laptop computer which he had connected to the district's wireless network. Thompson resigned from the district, so the Commissioner dismissed the tenure charges as moot. Thompson currently holds a Teacher of Music certificate, issued in June 1986. Upon review of the above information, at its March 30, 2006 meeting, the State Board of Examiners voted to issue Thompson an Order to Show Cause.

The Board sent Thompson the Order to Show Cause by regular and certified mail on April 7, 2006. The Order provided that Thompson must file an Answer within 30 days. In lieu of an Answer, Thompson sent a letter to the Board explaining that the conduct alleged in the Order to Show Cause was also the subject of a criminal matter. Thompson asked that the Board hold the certification proceeding in abeyance until the criminal matter was resolved. On May 15, 2006, the Board granted Thompson's request and tabled the matter.

On April 4, 2007, Thompson informed the Board that he had pled guilty to one count of first degree aggravated sexual assault, three counts of second degree sexual assault and one count of third degree endangering the welfare of a child. The Office of Criminal History Review (OCHR) also notified the Board of Examiners that Thompson was disqualified from public

employment pursuant to N.J.S.A. 18A:6-7.1 et seq. because of his conviction. Thereafter, at its meeting of July 19, 2007, the Board voted to vacate the Order to Show Cause issued in March 2006 and to issue Thompson a new Order to Show Cause based on his conviction and disqualification. The Board sent Thompson the Order to Show Cause by regular and certified mail on July 25, 2007. The Order provided that Thompson must file an Answer within 30 days. Thompson did not respond to the Order. Thereafter, the Board sent Thompson a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The certified mail receipt was signed and returned. The regular mail copy was not returned. Once again, Thompson did not file an Answer.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(c)*, on April 9, 2008, a hearing notice was mailed by regular and certified mail to Thompson. The notice explained that since Thompson failed to respond to the Order to Show Cause the allegations contained therein would be deemed to be admitted. The notice also offered him the opportunity to file a written submission with regard to the appropriate sanction in the event that the Board found just cause to revoke or suspend his certificate and providing him the opportunity to appear to provide testimony on the sanction issue. Once again, Thompson did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Thompson's conviction of aggravated sexual assault, sexual assault and endangering the welfare of a child constitutes conduct unbecoming a certificate holder. At its meeting of July 17, 2008, the State Board of Examiners reviewed the charges the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Thompson's offense were in dispute since he had never denied that he had been convicted of the

offense. 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(h)*.

The State Board of Examiners must now determine whether Thompson's conviction and his disqualification, which was predicated on the same offenses as set forth in the Order to Show Cause, represent just cause to act against his certificate 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 sexual assault fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing ruling that teachers serve as role models for their students. "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, Thompson has a conviction for sexual offenses involving students. 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 Thompson's disqualification from service in the public schools of this State because of his conviction for aggravated sexual assault, sexual assault and endangering the welfare of a child provides just cause to take action against his certificate.

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 is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Thompson's offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Thompson's Teacher of Music certificate.

Accordingly, on the 17th day of July 2008 the Board of Examiners voted to revoke Thompson's Teacher of Music certificate. On this 11th day of September 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of William Thompson's certificate be effective immediately.* It is further ORDERED that Thompson return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

*Decision ratified on January 13, 2009

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

Date of Mailing:

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