

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
JOHN TEOPENGCO : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-132

At its meeting of October 22, 2009, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent John Teopengco was convicted of Endangering the Welfare of a Child in August 2009. As a result of the conviction, Teopengco was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Teopengco currently holds a Substitute Credential, which expires in July 2013. Teopengco did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Teopengco an Order to Show Cause at its meeting of December 2, 2009.

The Board sent Teopengco the Order to Show Cause by regular and certified mail on December 7, 2009. The Order provided that Teopengco must file an Answer within 30 days. Neither mail copy was returned. Teopengco did not file a response. Thereafter, on January 22, 2010, the Board sent Teopengco a second notice by regular and certified mail providing him an additional 15 days to respond to the Order to Show Cause. Teopengco responded on February 22, 2010. In that response, Teopengco stated that all of the allegations in the Order to Show Cause were “true and correct.” (Answer, p. 1.) He added that he would seek to have his conviction expunged in 2020. (Answer, p. 1.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 24, 2010, the Board sent Teopengco a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Teopengco 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 substitute credential. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Teopengco was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. On April 13, 2010, Teopengco responded indicating that he wanted to appear to offer his testimony on the sanction issue. (Hearing Response, p. 1.) However, Teopengco did not appear on the hearing date.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Teopengco's conviction and resulting disqualification constitute conduct unbecoming a certificate holder. At its meeting of April 29, 2010, the State Board of Examiners considered the allegations in the Order to Show Cause and Teopengco's responsive pleadings. The Board of Examiners determined that no material facts related to Teopengco's offense were in dispute since he admitted all of the allegations in the Order to Show Cause. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Teopengco's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential 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 Endangering the Welfare of a Child 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.

Moreover, 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 (App. Div.), cert. denied, 65 *N.J.* 292 (1974). 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). Accordingly, the State Board of Examiners finds that Teopengco's disqualification from service in the public schools of this State because of his conviction for Endangering the Welfare of a Child provides just cause to take action against his credential.

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 Teopengco's offense so

significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on April 29, 2010 the Board of Examiners voted to revoke John Teopengco's Substitute Credential. On this 10th day of June 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Teopengco's credential be effective immediately. It is further ORDERED that Teopengco return his credential 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

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ: