

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
SCOTT VAN HOVEN : ORDER OF SUSPENSION
_____ : DOCKET NO: 1213-113

At its meeting of November 2, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Morris County Prosecutor's Office regarding Scott Van Hoven. In May 2012, Van Hoven was indicted on five counts of Sexual Assault, six counts of Criminal Sexual Contact, three counts of Endangering the Welfare of a Child and one count of Official Misconduct. If convicted, Van Hoven would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Van Hoven currently holds a Teacher of Music Certificate of Eligibility, issued in August 2001 and a Teacher of Music certificate, issued in August 2002. Upon review of the above information, at its meeting of January 25, 2013, the Board voted to issue Van Hoven an Order to Show Cause as to why his certificates should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent Van Hoven the Order to Show Cause by regular and certified mail on January 30, 2013. The Order provided that Van Hoven must file an Answer within 30 days. Neither the certified mail copy nor the regular mail copy was returned. Van Hoven did not file a response. Thereafter, on March 7, 2013, the Board sent Van Hoven another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned. The regular mail copy was not returned. Van Hoven did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 26, 2013, the Board sent Van Hoven a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Van Hoven 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. Van Hoven was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned and the regular mail copy was not returned. Once again, Van Hoven did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Van Hoven's indictment constitutes conduct unbecoming a certificate holder. Since Van Hoven failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of September 20, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Van Hoven's offense were in dispute since he never denied that he had been indicted for the offenses charged. Thus, the Board 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 Board must now determine whether Van Hoven's indictment, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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*. 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 dangerous. Individuals convicted of crimes such as Sexual Assault, Criminal Sexual Contact, Endangering the Welfare of a Child and Official Misconduct fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for 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, Van Hoven has an indictment for crimes that directly involved danger to 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). 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 (Sup. Ct. 1943), *aff'd*, 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Van Hoven's potential disqualification from service in the public schools of this State because of his indictment on charges of Sexual Assault, Criminal Sexual Contact, Endangering the Welfare of a Child and Official Misconduct provides just cause to take action against his certificates.

Accordingly, on September 20, 2013, the Board voted to suspend Van Hoven's certificates pending resolution of the criminal proceedings against him. On this 1st day of November 2013 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Scott Van Hoven's Teacher of Music Certificate of Eligibility and Teacher of Music certificate be suspended effective this day. If the charges are resolved in his favor, he shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that Van Hoven return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO 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/th