

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CHARLES J. REILLY : ORDER OF SUSPENSION
_____ : DOCKET NO: 1011-188

At its meeting of September 20, 2013, the State Board of Examiners (Board) reviewed information received from the the Camden County Prosecutor's Office regarding Charles Reilly. In November 2012, Reilly was indicted on 61 counts of Endangering the Welfare of Children, two counts of Luring or Enticing a Child, one count of Sexual Assault, five counts of Hindering Apprehension or Prosecution, 18 counts of Official Misconduct, four counts of Attempted Endangering the Welfare of Children and one count of Attempted Official Misconduct. If convicted, Reilly would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Reilly currently holds a Teacher of Art Certificate of Eligibility With Advanced Standing, issued in September 1999 and a Teacher of Art certificate, issued in August 2002. Upon review of the above information, at its meeting of November 1, 2013, the Board voted to issue Reilly 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 Reilly the Order to Show Cause by regular and certified mail on November 12, 2013. The Order provided that Reilly must file an Answer within 30 days. Reilly filed a response on December 6, 2012. In his Answer, Reilly admitted that he had been indicted as indicated in the Order to Show Cause but denied the charges in the indictment. (Answer, ¶ 3). He also denied that there was just cause for the suspension of his certificates. (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 12, 2013, the Board sent Reilly a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Reilly 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. Reilly was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Reilly did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Reilly's indictment constitutes conduct unbecoming a certificate holder. At its meeting of February 27, 2014, the Board considered the allegations in the Order to Show Cause and Reilly's Answer. The Board determined that no material facts related to Reilly's offense were in dispute since he admitted 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 Reilly'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 Endangering the Welfare of Children, Luring or Enticing a Child, Sexual Assault, Hindering Apprehension or Prosecution, Official Misconduct, Attempted Endangering the Welfare of Children and Attempted 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, Reilly 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 Reilly’s potential disqualification from service in the public schools of this State because of his indictment on charges of Endangering the Welfare of Children, Luring or Enticing a Child, Sexual Assault, Hindering Apprehension or Prosecution, Official Misconduct, Attempted Endangering the Welfare of Children and Attempted Official Misconduct provides just cause to take action against his certificates.

Accordingly, on February 27, 2014, the Board voted to suspend Reilly’s certificates pending resolution of the criminal proceedings against him. On this 4th day of April 2014 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Charles J. Reilly’s Teacher of Art Certificate of Eligibility With Advanced Standing and Teacher of Art 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 Reilly 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