

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
JEAN MARY OVIDE : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1314-118

At its meeting of November 1, 2013, the State Board of Examiners (Board) reviewed information received from the Union County Prosecutor's Office and the Criminal History Review Unit regarding Jean Mary Ovide. Ovide was indicted on charges of Attempted Aggravated Sexual Assault, Attempted Sexual Assault, Aggravated Criminal Sexual Contact, Criminal Sexual Contact, Burglary, Criminal Restraint, Terroristic Threats, Resisting Arrest and Stalking. If convicted, Ovide would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Ovide currently holds a Teacher of Mathematics certificate, issued in April 2008. Upon review of the above information, at its meeting of December 6, 2013, the Board voted to issue Ovide an Order to Show Cause as to why his certificate should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent Ovide the Order to Show Cause by regular and certified mail on December 11, 2013. The Order provided that Ovide must file an Answer within 30 days. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Ovide did not file a response. Thereafter, on January 27, 2014, the Board sent Ovide another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Ovide did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on February 14, 2014, the Board sent Ovide a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ovide 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 certificate. 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 certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Ovide was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “Attempted Unknown” and the regular mail copy was not returned. Once again, Ovide did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Ovide’s indictment constitutes conduct unbecoming a certificate holder. Since Ovide failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of October 23, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Ovide’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:9B-4.7(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 Ovide’s indictment, as set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5*. 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 Attempted Aggravated Sexual Assault, Attempted Sexual Assault, Aggravated Criminal Sexual Contact, Criminal Sexual Contact, Burglary, Criminal Restraint, Terroristic Threats, Resisting Arrest and Stalking 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, Ovide has an indictment for crimes that involve violence. 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 Ovide’s potential disqualification from service in the public schools of this State because of his indictment on charges of Attempted Aggravated Sexual Assault, Attempted Sexual Assault, Aggravated Criminal Sexual Contact, Criminal Sexual Contact, Burglary, Criminal Restraint, Terroristic Threats, Resisting Arrest and Stalking provides just cause to take action against his certificate.

Accordingly, on October 23, 2014, the Board voted to suspend Ovide’s certificate pending resolution of the criminal proceedings against him. On this 12th day of December 2014 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Jean Mary Ovide’s Teacher of Mathematics 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 Ovide return his certificate 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

RRH/MZ/th

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.