

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
BARRY P. MORRIS : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-134

At its meeting of July 24, 2014, the State Board of Examiners (Board) reviewed information the staff of the Office of Certification and Induction had forwarded regarding Barry P. Morris. In July 2012, Morris surrendered his teaching certificate in New York after he was accused of sexual misconduct that did not result in a criminal conviction. In New Jersey, Morris currently holds a Teacher of Elementary School certificate, issued in May 1973. Upon review of the above information, at its meeting of September 19, 2014, the Board voted to issue Morris an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Morris the Order to Show Cause by regular and certified mail on September 23, 2014. The Order provided that Morris had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Morris did not respond. Thereafter, on November 10, 2014, the Board sent Morris 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 and the regular copy was not returned. Morris did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on December 4, 2014, the Board sent Morris a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Morris 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 determined 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 Morris' offenses warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Morris 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. Once again, Morris did not respond.

The threshold issue before the Board in this matter, therefore, is whether Morris' conduct and the surrender of his New York teaching certificate constitute conduct unbecoming a certificate holder. Since Morris never responded to the Order to Show Cause, at its meeting of March 12, 2015, the Board had only the allegations contained in the Order to Show Cause to consider. The Board determined that no material facts related to Morris' offense were in dispute since he did not deny that he had surrendered his New York certificate after being accused of sexual misconduct. 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 Morris' conduct 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*. "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, 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). In this matter, Morris’ sexual misconduct leaves no doubt that he is unfit to be a teacher. The licensing authorities in New York thought so and this Board agrees. The Board therefore concludes that the only appropriate response to Morris’ breach is the revocation of his teaching certificate.

Accordingly, on March 12, 2015, the Board voted to revoke Barry P. Morris’ Teacher of Elementary School certificate. On this 17th day of April 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Morris’ certificate be effective immediately. It is further ORDERED that Morris 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

RRH/MZ/th

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