

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ABELARDO C. ROMERO : ORDER OF REVOCATION
_____ : DOCKET NO: 1516-187

At its meeting of April 14, 2016, the State Board of Examiners (Board) reviewed information received from the Superior Court of New Jersey, Essex County and the Criminal History Review Unit (CHRU) regarding Abelardo C. Romero. On January 21, 2015, Romero pled guilty to Abuse of Child-Cruelty/Neglect. On March 6, 2015, he was sentenced to one year of probation. The CHRU notified the Board that, as a result of his conviction, Romero was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Romero currently holds a Teacher of Mathematics Certificate of Eligibility, issued in February 2011 and a Teacher of Mathematics certificate, issued in June 2013.

Romero did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of May 20, 2016 to issue Romero an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Romero the Order to Show Cause by regular and certified mail on May 24, 2016. The Order provided that Romero must file an Answer within 30 days. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Romero did not file a response. Thereafter, on July 22, 2016, the Board sent Romero another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Both the certified mail and regular mail copies were returned as "Return to Sender" because the time to forward mail to Romero had expired. After securing a new address for Romero, the Board re-sent the Order to him by regular and certified mail on August 10, 2016.

The certified mail was returned as “Unclaimed” and the regular mail copy was not returned. Romero did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on September 26, 2016, the Board sent Romero a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Romero 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. Romero was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified nor the regular mail copy was returned. Once again, Romero did not respond.

The threshold issue before the Board in this matter is whether Romero’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Romero failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of December 9, 2016, the Board considered only the allegations in the Order to Show Cause and the information received from the CHRU. The Board concluded that no material facts related to Romero’s offense were in dispute since he never denied that he engaged in the conduct alleged and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-*

4.6(h). After reviewing the allegations, the Board found that Romero had engaged in unbecoming conduct.

The Board must now determine whether Romero's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4. 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. Individuals convicted of crimes such as Abuse of Child-Cruelty/Neglect fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their 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. 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 instance, Romero's conviction demonstrates behavior that falls far short of a role model.

The 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 Board 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 herself out as a teacher. Thus, because the Legislature and the Commissioner consider Romero's

offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on December 9, 2016, the Board voted to revoke Abelardo C. Romero's Teacher of Mathematics Certificate of Eligibility and his Teacher of Mathematics certificate. On this 19th day of January 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Romero's certificates be effective immediately. It is further ORDERED that Romero return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

Date of Mailing:
via certified and regular mail

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