

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DARIUS GRIFFIN : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-269

At its meeting of January 24, 2019, the State Board of Examiners (Board) reviewed information the Middlesex County Prosecutor’s Office and the Office of Student Protection (OSP) (formerly known as Criminal History Review Unit) submitted regarding Darius V. Griffin. On May 31, 2018, Griffin pled guilty to Reckless Death by Auto or Vessel (Vehicular Homicide) (2nd degree) and Assault by Auto/Vessel (4th degree). On October 4, 2018, Griffin was sentenced to 6 ½ years in prison, followed by three years of parole supervision. He also had his driver’s license suspended for five years. Griffin had been operating his vehicle while intoxicated, resulting in a crash with another vehicle that resulted in that driver’s death. The OSP notified the Board that, as a result of his conviction, Griffin is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Griffin currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing. Upon review of the above information, the Board voted at its meeting of March 8, 2019 to issue Griffin an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Griffin the Order to Show Cause by regular and certified mail on March 11, 2019. The Order provided that Griffin must file an Answer within 30 days. Griffin filed an Answer on April 2, 2019.

In his Answer, Griffin admits that he had a car accident that resulted in the death of another. He admits that he had a blood alcohol level that remains “questionable” because he has no prior history of alcohol abuse. He has no prior record of driving while intoxicated charges. He argues that he fell asleep at the wheel after being fatigued by a long day. Further, Griffin admits that he accepted a plea bargain of 2nd degree reckless death by auto and a 4th degree assault by auto/vessel. (Answer ¶ 3). Griffin submits several character references. *Id.* at ¶ 6.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 23 2019, the Board sent Griffin a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Griffin 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 disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Griffin was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Griffin did not file a written response, but requested to appear before the Board.

Griffin's attorney, Kenneth Brown, Esquire, appeared before the Board along with several of Griffin's family members. Counsel began by indicating that the situation is a tragedy. It did not occur near school property but was a car accident on a highway. The accident was so tragic that Griffin was in a coma. Counsel disputed the accuracy of whether Griffin had alcohol or a controlled dangerous substance in his system at the time of the accident. Counsel also handed out pictures of Griffin and his family, along with letters of reference that were reviewed by the Board at the meeting. Counsel ended with requesting that the Board allow Griffin to keep his certification as he is not a threat to students/teachers or staff. Griffin may never fully recover as he has trouble walking and with balance. Loss of his license may kill "a man's spirit."

The threshold issue before the Board in this matter is whether Griffin's convictions and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of December 13, 2019, the Board considered the allegations in the Order to Show Cause as well as Griffin's Answer, Hearing Response, and testimony. The Board determined that no material facts related to Griffin's offense were in dispute since he admitted that he had pled guilty to the offenses. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Griffin'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 inappropriate role models for them. Individuals convicted of a crime such as Assault by Auto, 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 exemplars 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, Griffin's conviction demonstrates behavior that falls 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 himself out as a teacher. Thus, because the Legislature and the Commissioner consider Griffin's offense so significant and the Board must render its determination within the confines of his disqualification, it believes that the only appropriate sanction in this case is the revocation of Griffin's certificates.

Accordingly, on December 13, 2019, the Board voted to revoke Darius Griffin's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing certificates. On this 23rd day of January 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Griffin's certificates be effective immediately. It is further ORDERED that Griffin 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.

Rani Singh, Secretary
State Board of Examiners

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.