

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MICHAEL A. DAVIDSON : ORDER OF SUSPENSION
_____ : DOCKET NO: 1819-196

At its meeting of April 12, 2019, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Georgia Professional Standards Commission forwarded regarding Michael A. Davidson. In June 2006, Georgia suspended Davidson's teaching certificates for six months after he was found to have made inappropriate comments to students. Davidson called female students in his class "baby girls;" had asked the female students in his class if they had begun their menstrual cycles; told one specific student he was "acting like a nigger;" informed his class that he was "pissed" at them and explained to his students the meaning of the word pimp. In 2019, Davidson's certificate was suspended for 20 days after he slammed a student against a locker after the student repeatedly called Davidson the "N" word.

In New Jersey, Davidson currently holds a Teacher of Handicapped certificate. Upon review of the above information, at its May 17, 2019 meeting, the Board voted to issue Davidson an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Davidson the Order to Show Cause by regular and certified mail on May 22, 2019. The Order provided that Davidson had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Davidson submitted an Answer on July 3, 2019.

In his Answer, Davidson admitted the suspensions in Georgia but denied the allegations forming the basis for the first suspension because they are more than 13 years old. (Answer, ¶ 3). Davidson then admitted the 2019 suspension and indicated that the student involved repeatedly called him the "n word" and other expletives and refused to leave his classroom after being instructed to do so. *Id.* Davidson denies slamming the student against a locker. *Id.*

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on September 24, 2019, the Board sent Davidson 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 because there were no material facts in dispute. Thus, Davidson 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 Davidson's offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Davidson was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was signed and returned as received to the Board. Davidson did not file a response.

The threshold issue before the Board in this matter is whether Davidson's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of January 23, 2020, the Board considered the allegations in the Order to Show Cause, the information received from NASDTEC and Georgia, as well as Davidson's Answer. The Board concluded that no material facts related to Davidson's offense were in dispute since he did not deny that he was suspended and had an altercation with the student. Thus, the Board 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 Davidson engaged in unbecoming conduct.

The Board must now determine whether Davidson's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. 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-4.4*. "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). Davidson's actions in being

suspended in Georgia on 2 occasions and engaging in an altercation with a student is clearly conduct that indicates a serious lapse in judgment. The Board therefore concludes that the appropriate response to his breach is a one-year suspension of his certificate.

Accordingly, on January 23, 2020, the Board voted to suspend Michael A. Davidson's Teacher of Handicapped certificate for a period of one year. On this 28th day of February 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that the one-year suspension of Davidson's certificate be effective immediately. It is further ORDERED that Davidson return his certificate 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.