

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WILLIAM J. O'NEILL : ORDER OF SUSPENSION
_____ : DOCKET NO: 1819-209

At its meeting of September 19, 2019, the State Board of Examiners (Board) reviewed information from the Ocean County Prosecutor's Office and the Office of Student Protection (OSP) provided information to the State Board of Examiners (Board) regarding O'Neill. On or about January 10, 2019, O'Neill was charged with Aggravated Sexual Assault (1st degree), Aggravated Criminal Sexual Contact (3rd degree), Sexual Assault (2nd degree), and Endangering the Welfare of a Child-Sexual Conduct (2nd degree). O'Neill allegedly engaged in sexual contact with a minor student. O'Neill would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*, if he is convicted. Additionally, after investigation, on April 22, 2019, the Institutional Abuse Investigation Unit (IAIU) substantiated Sexual Abuse – Sexual Molestation regarding O'Neill's interactions with the minor.

O'Neill currently holds a Teacher of Mathematics certificate. Upon review of the above information, at its meeting of November 1, 2019, the Board voted to issue O'Neill an Order to Show Cause as to why his certificates should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent O'Neill the Order to Show Cause by regular and certified mail on November 7, 2019. The Order provided that O'Neill must file an Answer within 30 days. O'Neill filed an Answer on November 26, 2019. In that Answer, O'Neill admits that he was charged with Aggravated Sexual Assault (1st degree) and Endangering the Welfare of a Child- Sexual Conduct (2nd degree). O'Neill denies the remainder of the allegations. (Answer ¶ 3). O'Neill indicates that he has never been the subject of any disciplinary proceedings or employment related issued. (Answer ¶ 6). He is the holder of multiple degrees and has been a math teacher since 1991. *Id.* The current charges are the first charges ever against O'Neill. In his 27 years of teaching, he has never before been the subject of any accusations involving any type of inappropriate behavior on his part. Finally, he indicates the criminal proofs against him are weak. *Id.*

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on December 10, 2019, the Board sent O'Neill a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, he 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 O'Neill's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. O'Neill was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. O'Neill indicated in response that he does not wish to appear before the Board and leaves the Board to consider the matter based upon the record before it.

The threshold issue before the Board in this matter, therefore, is whether there is just cause to take action against O'Neill's certificates. At its meeting of February 28, 2020, the Board considered the allegations in the Order to Show Cause and O'Neill's Answer. The Board determined that no material facts related to O'Neill's offense were in dispute since he did not deny that he had been charged with the offenses alleged. 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 O'Neill's conduct and charges, 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.

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*. 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 Aggravated Sexual Assault, Sexual Assault and Endangering the Welfare of a Child 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.

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). In this case, O'Neill has been charged with Aggravated Sexual Assault, and Endangering the Welfare of a Child. The Board therefore finds that O'Neill's potential disqualification from service in the public schools of this State because of the charges for such serious offenses provides just cause to take action against his certificates.

Accordingly, on February 28, 2020, the Board voted to suspend O'Neill's certificates pending resolution of the criminal proceedings against him. On this 14th day of May 2020, the Board formally adopted its written decision to suspend and it is therefore ORDERED that William J. O'Neill's Teacher of Mathematics certificate is hereby suspended, effective immediately. 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 O'Neill return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, PO 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*.