

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
MARCELLE WILLIAMS : ORDER OF SUSPENSION
_____ : DOCKET NO: 1819-221

At its meeting of September 19, 2019, the State Board of Examiners (Board) reviewed information from the Bergen County Prosecutor's Office and the Office of Student Protection (OSP) provided information to the State Board of Examiners (Board) regarding Williams. On or about March 15, 2019, Williams was charged with four (4) counts of Criminal Sexual Contact (4th degree), and two (2) counts of Endangering the Welfare of a Child-Sexual Conduct (2nd degree). Williams 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 June 12, 2019, the Institutional Abuse Investigation Unit (IAIU) substantiated Sexual Abuse – Sexual Molestation regarding William's interactions with the minor.

Williams currently holds a Substitute Credential that expires in January 2023. Upon review of the above information, at its meeting of November 1, 2019, the Board voted to issue Williams an Order to Show Cause as to why his credential should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent Williams the Order to Show Cause by regular and certified mail on November 7, 2019. The Order provided that Williams must file an Answer within 30 days. Williams filed an Answer on December 9, 2019. In that Answer, Williams admits that he was charged with but denies involvement in any unlawful conduct. (Answer ¶ 3). Williams also admits that the IAIU substantiated the allegations. (Answer, ¶ 4). Williams, however, maintains his innocence, indicates that the conduct is alleged and that the witness's statements have not had their credibility tested. (Answer ¶ 5). Williams reserves the right to assert affirmative defenses.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on December 16, 2019, the Board sent Williams 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 Williams's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Williams was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Williams did not respond to that notice.

The threshold issue before the Board in this matter, therefore, is whether there is just cause to take action against Williams' certificates. At its meeting of February 28, 2020, the Board considered the allegations in the Order to Show Cause and Williams' Answer. The Board determined that no material facts related to Williams' 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 Williams' 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 Criminal Sexual Contact 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, Williams has been charged with Criminal Sexual Contact and Endangering the Welfare of a Child. The Board therefore finds that Williams' 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 Williams' credential 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 Marcelle Williams' Substitute Credential 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 Williams return his credential 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.