

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
STEVAN A. AUSTINO : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-128

At its meeting of July 30, 2020, the State Board of Examiners (Board) reviewed information regarding Stevan A. Austino. The Gloucester County Prosecutor's Office and the Office of Student Protection (OSP) provided information to the State Board of Examiners (Board) regarding Austino. On or about August 14, 2019, Austino was indicted on one count of Possession of CDS with Intent to Distribute (4th degree), 2 counts of Possession of CDS (4th degree), 2 counts of Possession of CDS with Intent to Distribute (2nd degree), and one count of Conspiracy – Agreeing to Engage in Conduct Constituting a Crime (2nd degree). On September 9, 2019, Austino pled guilty to the Conspiracy charge, amended to 3rd degree. On October 11, 2019, he was sentenced to one year of probation along with drug and alcohol abuse treatment, and random urine monitoring. The OSP notified the Board that, as a result of his conviction, Austino is disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Austino currently holds a substitute credential, expiring January 2023.

Austino 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 January 23, 2020 to issue Austino an Order to Show Cause as to why his credential should not be revoked.

The Board sent Austino the Order to Show Cause by regular and certified mail on January 27, 2020. The Order provided that Austino had 30 days to respond. The certified mail correspondence was signed for the regular mail was not returned. Austino did not respond. Thereafter, on March 5, 2020, the Board sent Austino another notice by regular and certified mail.

The certified mail was signed for and the regular mail was not returned. Austino still did not respond.

Accordingly, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on June 3, 2020, the Board sent Austino 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, Austino 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/credential. 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/credential. Thereupon, the Board would also determine the appropriate sanction, if any. Austino was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was signed for and the regular mail copy was not returned. Once again, Austino did not file a response.

The threshold issue before the Board in this matter is whether Austino's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Austino 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 July 30, 2020, the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to Austino's offenses were in dispute since he never denied that he engaged in the conduct alleged and had been convicted 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 Austino engaged in unbecoming conduct.

The Board must now determine whether Austino's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential 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 were not proper examples for them. Individuals convicted of crimes such as Possession of Distribution of CDS 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, Austino's conviction for Distribution and Possession of CDS and Conspiracy 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 himself out as a teacher. Thus,

because the Legislature and the Commissioner consider Austino's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on July 30, 2020, the Board voted to revoke Stevan A. Austino's substitute credential. On this 29th day of October 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Austino's credential be effective immediately. It is further ORDERED that Austino return his credential 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:
By 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.