

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
TARLEY COOPER : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-138

At its meeting of February 26, 2021, the State Board of Examiners (Board) reviewed information received from the National Association of State Directors of Teacher Education and Certification and the Commonwealth of Pennsylvania Professional Standards and Practices Commission (Pennsylvania Commission) regarding Tarley Cooper. On February 12, 2019, Cooper pled guilty to criminal charges of Aggravated Assault and Recklessly Endangering Another Person in the Delaware County Court of Common Pleas in Pennsylvania. On January 31, 2020, the Pennsylvania Commission revoked his educator certificate based on the undisputed conviction for Aggravated Assault and Recklessly Endangering Another Person.

Cooper currently holds a Teacher of Elementary School in Grades K-6 Certificate and a Teacher of Students with Disabilities Certificate. Upon review of the above information, the Board voted at its meeting of April 1, 2021 to issue Cooper an Order to Show Cause as to why his certificates should not be revoked.

On August 2, 2021, the Board received notice that the Delaware Department of Education revoked Cooper's Delaware educator license(s) as a result of the Aggravated Assault and Recklessly Endangering convictions in Pennsylvania.

The Board sent Cooper the Order to Show Cause by regular and certified mail on April 6, 2021. The Order provided that Cooper must file an Answer within 30 days. The certified return receipt was returned as received and the regular mail was not returned. The Board then sent Cooper a Second Notice on May 25, 2021. Again, the certified return receipt was returned as received and the regular mail was not returned.

The Board then received information that Cooper's address may have changed. Accordingly, the Board resent the Order on August 26, 2021. Cooper filed an Answer on September 3, 2021.

In his Answer, Cooper acknowledged his conviction but noted that he sent a letter to the FBI in response to the Order to Show Cause; the letter requested that his conviction be withdrawn because the entire police criminal complaint was fabricated. Cooper indicated in his Answer that he was falsely accused, abused, and kidnapped. *See Answer at ¶1-4.*

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 10, 2021, the Board sent Cooper a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute as Cooper was convicted of the crime(s). Cooper 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. Cooper was also offered the opportunity to appear before the Board to provide testimony on the sanction issue.

Cooper responded that he could only refer the Board to the letter he sent to the FBI. He was unsure how long it would take to receive a response from the FBI regarding his letter and asked that the Board request that information from the FBI if it required same. After advising Cooper that the Board is not required to request information from the FBI for his defense, the Board requested Cooper provide information on whether he has a pending appeal of his conviction or other information to show that the conviction is pending a review or appeal. Cooper did not produce such information and the Board advised this matter would be placed on an agenda for a hearing.

In additional communications Cooper indicated that he wished to appear before the Board virtually as he would be unable to appear in person. The Board scheduled the matter for a hearing at its January 26, 2023 meeting and sent Cooper the meeting access information, along with meeting procedures.

Prior to that scheduled meeting, Cooper submitted a letter dated January 19, 2023 wherein he indicated that he would not be able to attend the hearing due to a statement in the Board's invitation to the virtual meeting. The Board's coordinator offered several times for Cooper to attend, advising that the hearing procedures provided guidance on the fact that the hearing was limited to evidence in mitigation of the penalty and was not a factual hearing. Cooper interpreted this information as limiting and elected not to appear for his scheduled hearing. The Board was, however, provided with his January 19, 2023 correspondence. Cooper did not attend the scheduled hearing.

The threshold issue before the Board in this matter is whether Cooper's conduct constitutes conduct unbecoming a certificate holder. At its meeting of March 3, 2023, the Board considered the allegations in the Order to Show Cause as well as Cooper's Answer. The Board determined that no material facts related to Cooper's offense were in dispute since he acknowledge that he was criminally convicted of Aggravated Assault and Recklessly Endangering Another Person.

Although Cooper indicated he was requesting an investigation with the FBI regarding his conviction, he did not produce paperwork demonstrating he filed a formal appeal of the convictions, or that the FBI had initiated an investigation into his allegations such that his conviction could potentially be overturned. The Board is not obligated to pursue such information and Cooper did not provide same to the Board. Cooper did not provide any information or documentation indicating that his conviction was overturned or on appeal.

Given that the conviction remains and there is no information on the status of any appeal or investigation into the convictions, 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 Cooper's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates 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.

Furthermore, 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, Cooper's actions in being convicted of Aggravated Assault and Reckless Endangerment, along with having his Pennsylvania and Delaware educator certificates revoked demonstrate behavior that falls far short of the role model status expected of teachers. The Board therefore concludes that the appropriate response to Cooper's breach is the revocation of his certificates.

Accordingly, on March 3, 2023, the Board voted to revoke Tarley Cooper's Teacher of Elementary School in Grades K-6 Certificate and Teacher of Students with Disabilities Certificate. On this 13th day of April 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Tarley Cooper's certificates be effective immediately.

It is further ORDERED that Cooper 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

RS/KAG/cf

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.