

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN EVANS : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-226

At its meeting of June 13, 2002, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on April 26, 2002, John Evans had pled guilty to charges of child abuse. On July 26, 2002, Evans was sentenced to two years' probation. He was also ordered to forfeit his teaching certificates, to have no contact with his victim or anyone from the Lenape school district and to undergo psychological testing. Evans currently holds a Teacher of Mathematics Certificate of Eligibility With Advanced Standing and a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, both issued in September 1993 and Teacher of Mathematics and Teacher of Elementary School certificates, both issued in June 1994. Upon review of the above information, at its June 13, 2002 meeting, the State Board of Examiners voted to issue Evans an Order to Show Cause.

The Board sent Evans the Order to Show Cause by regular and certified mail on December 19, 2002. The Order provided that Evans' Answer was due within 20 days. Neither the certified mail nor the regular mail copy was returned. Evans did not file a response to the Order to Show Cause. Thereafter, on March 26, 2003, the Board sent Evans a second notice by regular and certified mail providing him an additional 10 days in which to file an Answer. The notice explained that if he did not file a response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. The certified mail copy was returned with a notification that it was undeliverable as addressed and the regular mail copy was not returned. Once again, Evans did not file an Answer. The Office of Licensing twice requested a current address for Evans from

the Motor Vehicles Commission, but the address on file with the MVC was the same one the Board had used unsuccessfully. On April 26, 2006, the Board sent the Order to Show Cause to Evans by certified and regular mail at the address it had. Neither copy was returned, but the Office of Licensing has no certified mail return receipt for the certified copy. The Board then published the Order to Show Cause on August 13 and 14, 2006. Evans did not respond to the published notice.

At its meeting of November 2, 2006, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Evans' offense were in dispute since he had never denied that he had pled guilty to the offense and had been sentenced accordingly. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Evans' offense, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The State Board of Examiners 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:9-17.5*. "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. Evans' act of abusing a child is inexcusable for any individual, teacher or not.

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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Evans' conduct is egregious because he harmed a child.

Accordingly, on November 2, 2006, the Board of Examiners voted to revoke Evans' certificates. On this 7th day of December 2006 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of John Evans' Teacher of Mathematics Certificate of Eligibility With Advanced Standing, Teacher of Elementary School Certificate of Eligibility With Advanced Standing, Teacher of Mathematics and Teacher of Elementary School certificates, be immediately effective. It is further ORDERED that Evans return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: DECEMBER 11th, 2006

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.