

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
SANDRA JOYNER : ORDER OF REVOCATION
_____ : DOCKET NO: 548-02/00-230

At its meeting of February 24, 2000, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Sandra Joyner from her tenured position with the State-Operated School District of the City of Newark for charges of unbecoming conduct. Joyner currently holds Teacher of Elementary School and Teacher of the Handicapped certificates.

This case originated on May 20, 1999, when the State-Operated School District of the City of Newark certified tenure charges against Joyner for chronic and excessive absenteeism, unbecoming conduct and abandonment of position. (Commissioner's Decision, slip op. at 2). On May 21, 1999, the Commissioner directed Joyner to submit an answer to the charges, but she never responded. (Commissioner's Decision, slip op. at 2).

On July 7, 1999, the Commissioner granted summary judgment to the district and dismissed Joyner from her tenured position. (Commissioner's Decision, slip op. at 4). The Commissioner based his decision on a finding that Joyner had been absent from her position for 265 days between January 1997 and March 1999. (Commissioner's Decision, slip op. at 3). He also determined that Joyner had submitted Sick Day Donor Program Request Forms in which other staff members purported to donate sick time to her but which, in fact, contained altered or forged signatures. (Commissioner's Decision, slip op. at 3). Finally, the Commissioner found that Joyner had abandoned her position because she had submitted a Medical Certificate indicating she would return to work on

March 1, 1999, but never did. (Commissioner's Decision, slip op. at 3). Accordingly, after removing Joyner from her tenured employment, the Commissioner transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Joyner's certificates.

Thereafter, on February 24, 2000, the State Board of Examiners issued Joyner an Order to Show Cause as to why her certificates should not be or suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Order to Show Cause was mailed to Joyner by regular and certified mail on April 3, 2000. The Order provided that an Answer to the Order must be filed within 20 days. Although the certified mail receipt was returned, Joyner did not respond to the Order. On June 26, 2000, the Board provided Joyner an additional ten days to respond to the Order. She was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Once again, Joyner did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Joyner's conduct and subsequent loss of tenure as alleged in the Order to Show Cause constitute conduct unbecoming a certificate holder. Since Joyner failed to respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Joyner's unbecoming conduct is admitted, the Board of

Examiners must now decide whether that constitutes a sufficient basis to act against her certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find 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. 6:11-3.4. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). Teachers in the State of New Jersey “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. There can be no dispute that Joyner’s conduct negates any claim that she may have to being a role model. Her total disregard of the effect that her continued and unexplained absence had on her employer as well as her students demonstrates her lack of professionalism. Moreover, her fraudulent behavior in seeking to secure additional sick time speaks volumes about her character. The Board of Examiners agrees with the Commissioner that this individual does not belong in a classroom, any classroom. Thus, the only proper response to Joyner’s breach is revocation.

Accordingly, it is therefore ORDERED that Sandra Joyner’s Teacher of Elementary School and Teacher of the Handicapped certificates be revoked on this 21st day of September, 2000. It is further ORDERED that Sandra Joyner return her certificates to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: November 9, 2000

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

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