

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SHEREE BAKER : ORDER OF REVOCATION
_____ : DOCKET NO: 607-02/01-281

At its meeting of February 22, 2001, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that Sheree Baker had pled guilty to charges of conspiracy and theft by deception for participating in a scheme to defraud the State Health Benefits Program. Baker was sentenced to two years' probation and fined \$2950. Baker is currently the holder of a Teacher of Elementary School certificate. Upon review of the above information, at that February meeting, the State Board of Examiners voted to issue Baker an Order to Show Cause.

The Board sent Baker the Order to Show Cause by regular and certified mail on May 1, 2001. The Order provided that an Answer to the Order must be filed within 20 days. Both copies of the Order were returned indicating that the forwarding order time for Baker's old address had expired. On May 23, 2001, the Board contacted New Jersey Motor Vehicle Services to secure a current address for Baker. On June 7, 2001, Motor Vehicle services indicated that they did not have a different address on file for Baker.

Thereafter, on August 12, 2001 and August 13, 2001 a public notice was filed in the New Jersey Home News Tribune newspaper advising that on February 22, 2001 the State Board of Examiners had issued an Order to Show Cause to Baker in the matter of her teaching certificate and that she had 30 days to respond to the Order. Baker did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Baker's guilty plea to conspiracy and theft by deception constitutes conduct unbecoming a certificate holder. . Since Baker did not 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 Baker's offenses as set forth in the Order to Show Cause, are admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against her certificate 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*.

“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. By participating in the fraud scheme, Baker has committed conduct that is inexcusable for any individual, teacher or not. Even if Baker were an exceptional teacher in the classroom, she has not demonstrated like behavior outside that arena.

It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See *Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher’s whole life is subject to scrutiny, not just her actions within the schoolhouse doors.

Accordingly, it is therefore ORDERED that Sheree Baker’s Teacher of Elementary School certificate be revoked on this 6th day of December 2001. It is further ORDERED that Baker return her certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing:

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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