

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JUDY BELL : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-213

At its meeting of February 26, 2004, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education in which he approved the withdrawal of tenure charges against Judy Bell since she had unilaterally resigned from her tenured position with the Franklin Township School District. *In the Matter of the Tenure Hearing of Judy Bell*, Docket No. EDU 4017-03 (Commissioner's Decision, October 27, 2003). Bell currently holds a Teacher of Mathematics certificate, issued in July 1993 and a Teacher of Mathematics Certificate of Eligibility, issued in May 1993.

This case originated on March 25, 2003, when the Franklin Board of Education certified tenure charges against Bell. The district charged her with insubordination, unbecoming conduct and incapacity. The district alleged that Bell had refused to comply with administrative directives, refused to communicate with parents, refused to accept and comply with her professional improvement plan, failed to implement section 504 accommodations and IEPs and failed to improve pupil progress.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Before the case went to hearing, the district sought to withdraw the tenure matter as moot since Bell had resigned her position in the district.

In a decision dated October 27, 2003, the Commissioner of Education approved the withdrawal of the tenure charges since the matter was no longer a contested case. (Commissioner's Decision, slip op. at 1). The Commissioner transmitted the matter to the State Board of Examiners for appropriate action regarding Bell's certificates. (Commissioner's Decision, slip op. at 1.)

Thereafter, on February 26, 2004, the State Board of Examiners issued Bell an Order to Show Cause as to why her certificates should not be suspended or revoked. The Order was predicated on the behavior alleged in the tenure charges.

The Board sent Bell the Order to Show Cause by regular and certified mail on April 13, 2005. The Order provided that Bell's Answer was due within 30 days. Bell signed and returned the certified mail receipt. The regular mail copy was not returned. Bell did not respond to the Order to Show Cause. Thereafter, on June 1, 2005, the Board of Examiners sent her a second notice by regular and certified mail providing her an additional 15 days in which to file an Answer. Neither the regular mail copy nor the certified mail copy was returned. Once again, Bell did not file an Answer. Both notices advised Bell that if she did not respond to the charges, the Board would decide the matter based solely on the information it already possessed.

At its meeting of July 21, 2005, 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 Bell's conduct were in dispute since she had never denied the charges. 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 Bell's conduct, as set forth in the Order to Show Cause, represents just cause to act against her 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*. 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). "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. Bell’s repeated refusal to communicate with parents, comply with administrative directives, refusal to comply with her professional improvement plan and failure to implement IEPs and increase student achievement indicates that she does not comport with the behavior expected of teachers. Moreover, her refusal to respond to the Board of Examiners in this proceeding further demonstrates her disregard for her professional responsibilities. Thus, the only proper response to Bell’s breach is revocation.

Accordingly, it is therefore ORDERED that Judy Bell’s Teacher of Mathematics certificate and Teacher of Mathematics Certificate of Eligibility be revoked on this 21st day of July 2005. It is further ORDERED that Bell return her 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: SEPTEMBER , 2005

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