

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
JANET INGRAM : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 0405-165

At its meeting of December 9, 2004, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Janet Ingram from her tenured position with the Bloomingdale Board of Education for charges of insubordination. *In the Matter of the Tenure Hearing of Janet Ingram*, Docket No. 367-9/01 (Commissioner's Decision, June 27, 2002). Ingram currently holds a Teacher of Elementary School certificate, issued in September 1970.

This case originated when the Bloomingdale Board of Education certified tenure charges against respondent, Janet Ingram. The district charged her with insubordination for refusing to comply with administrative directives to address her poor and unacceptable performance and for refusing to comply with the Board's directive to undergo a physical and psychiatric examination.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Margaret Hayden heard testimony on January 30 and February 14, 2002. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on May 17, 2002.

In that decision, ALJ Hayden found that Ingram had failed to produce grade and lesson plan information when requested to do so by administrators. (Initial Decision, slip op. at 8). The ALJ also found that Ingram failed to comply with the Board's directive to undergo a physical and psychiatric examination. (Initial Decision, slip op. at 8-9).

After considering all the testimony, ALJ Hayden found that Ingram's testimony that she was unaware that she was supposed to make a doctor's appointment was not credible. (Initial Decision, slip op. at 9). ALJ Hayden also noted that Ingram's behavior had deteriorated to the point where "she was unable or unwilling to be accountable to the legitimate authority in the school district." (Initial Decision, slip op. at 9). The ALJ therefore concluded that the Board had proven the tenure charges against Ingram. (Initial Decision, slip op. at 9).

Thus, based on her review of the entire record, the ALJ concluded that Ingram's breach was too substantial to allow for her continued employment in the district. (Initial Decision, slip op. at 9). Consequently, the ALJ ordered Ingram dismissed from her tenured position within the Bloomingdale school district. (Initial Decision, slip op. at 9).

In a decision dated June 27, 2002, the Acting Commissioner of Education affirmed the ALJ's Initial Decision as to the tenure charges against Ingram. The Commissioner agreed with the ALJ that the local board had proven its case against Ingram with regard to the tenure charges of insubordination. (Commissioner's Decision, slip op. at 1). Accordingly, the Commissioner affirmed Ingram's removal from her tenured employment with the Bloomingdale Board of Education. (Commissioner's Decision, slip op. at 1). The State Board of Education affirmed the Commissioner's Decision on November 6, 2002. (State Board's Decision, slip op. at 1). The Appellate Division of the Superior Court of New Jersey affirmed the State Board's Decision on November 6, 2003. *In the Matter of the Tenure Hearing of Janet Ingram*, Dkt. No. A-2078-02T5 (App. Div. November 6, 2003). The New Jersey Supreme Court rejected Ingram's petition for certification.

Thereafter, on December 9, 2004, the State Board of Examiners issued Ingram an Order to Show Cause as to why her certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Ingram the Order to Show Cause by regular and certified mail on December 9, 2004. The Order provided that Ingram's Answer was due within 30 days. After receiving an extension of time to respond, Ingram filed an Answer on May 17, 2005. In her Answer, Ingram admitted that the district had brought tenure charges against her. (Answer, ¶ 3). She denied that she was insubordinate and stated that she never refused to cooperate with school administrators. (Answer, ¶¶ 3). In the remainder of her Answer, Ingram recounted various incidents of unfair treatment by the Board. (Answer, ¶¶ 3-6).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 15, 2005, the Board sent Ingram a hearing notice by regular and certified mail. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, Ingram 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. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if his/her offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

Ingram responded to the Hearing Notice on September 11, 2005. In that response, Ingram claimed that she had had a "30-year lifetime stellar career within the same school

district” and that the Bloomingdale Board of Education should be “ashamed” for ending her career. (Hearing Response, p. 1.).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Ingram’s conduct and her subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of November 3, 2005, the State Board of Examiners reviewed the charges and papers Ingram filed in response to the Order to Show Cause. After reviewing her response, the Board of Examiners determined that no material facts related to Ingram’s offense were in dispute since she admitted that tenure charges were brought against her which resulted in her dismissal. Thus, Ingram has not denied the charges in the Order to Show Cause. Accordingly, her actions regarding her noncompliance with administrative directives constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Ingram’s offense as set forth in the Order to Show Cause, represents just cause to act against her certificate 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. In this instance, Ingram's continued noncompliance with her superior's directives and her refusal to undergo a Board-directed physical and psychiatric examination fall far short of the behavior expected of a certificate holder. However, the Board is also mindful of Ingram's long and unblemished career in the Bloomingdale district. That long service militates against a harsher penalty in this case.

Accordingly, it is therefore ORDERED that Janet Ingram's Teacher of Elementary School certificate be suspended for a period of two years beginning on this 3rd day of November 2005. It is further ORDERED that Ingram return her certificate for the period of the suspension 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.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: DECEMBER 2, 2005

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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