

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CAROL ANNE FUTRELL : ORDER OF SUSPENSION (**Amended Jan. 25, 2013**)
_____ : DOCKET NO: 0506-303

At its meeting of June 8, 2006, the State Board of Examiners reviewed information the Office of Criminal History Review (OCHR) had forwarded regarding criminal charges against Carol Anne Futrell. Futrell currently holds a Teacher of Elementary Certificate of Eligibility With Advanced Standing, issued in January 2006. Upon review of the above information, at its June 8, 2006 meeting, the State Board of Examiners voted to issue Futrell an Order to Show Cause as to why her certificate should not be suspended pending resolution of the criminal charges against her. On July 20, 2006, the Board formally adopted its written Order to Show Cause.

The Board sent Futrell the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Futrell must respond within 30 days. Futrell responded on August 24, 2006. Futrell argued that since she was never convicted of any criminal charge, and the charges against her will be dismissed after her completion of PTI, her certificate should not be suspended. (Answer, p. 2). Thereafter, on September 8, 2006, the Board sent Futrell a letter providing her the opportunity to apply for a stay of the suspension proceedings pending the resolution of the criminal charges against her. On October 19, 2006, Futrell sent a letter to the Board stating that she would not contest the allegations in the Order to Show Cause and would “voluntarily accept a license suspension pending the successful completion of PTI.” (Hearing Response, p. 1).

At its meeting of December 7, 2006, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Futrell stated that she did not contest the charges and voluntarily agreed to the suspension of her certificate pending her successful completion of PTI,

the Board of Examiners determined that no material facts related to her offense were in dispute. 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 the Board should accept Futrell's voluntary suspension of her certificate pending her successful completion of PTI.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers should serve as role models for their students. "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.

A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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). Accordingly, the State Board of Examiners finds that Futrell's potential disqualification from service in the public schools of this State because of her arrest provides just cause to take action against her certificate. Futrell has agreed to have her certificate suspended pending her completion of PTI.

Accordingly, on December 7, 2006, the Board of Examiners voted to suspend Futrell's certificate pending resolution of the criminal charges against her. On this 18th day of January 2007 the Board formally adopted its written decision to suspend and it is therefore ORDERED

that Carol Anne Futrell's Teacher of Elementary Certificate of Eligibility With Advanced Standing be suspended effective this day. If the charges are resolved in her favor, she shall notify the Board of Examiners for appropriate action regarding the suspension order.* It is further ORDERED that Futrell return her certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: JANUARY 25, 2007

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

* In July 2009, Futrell provided the Board with an Order of Dismissal from the Superior Court of New Jersey, Cape May County, following her completion of the Pretrial Intervention program. As a result, the Board voted at its meeting of September 17, 2009 to vacate her suspension and to take no further action against her certificate.