

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
TRACI TAPP : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-256

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on January 30, 2006, Traci Tapp had pled guilty to charges of harassment by offensive touching. On January 30, 2006, Tapp was fined and ordered to forfeit her teaching position. Tapp was also forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2d*. Tapp currently holds a Teacher of Health & Physical Education Certificate of Eligibility With Advanced Standing, issued in July 2000, a Teacher of Health & Physical Education certificate, issued in December 2001, and a Teacher of Driver Education certificate, issued in August 2003. Upon review of the above information, at its July 20, 2006, meeting, the State Board of Examiners voted to issue Tapp an Order to Show Cause.

The Board sent Tapp the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Tapp's Answer was due within 30 days. Tapp filed her response on September 27, 2006. In that Answer, Tapp stated that false allegations were made against her and "there is nothing to back teachers up." (Answer, p. 1). She also stated that she agreed to forfeit her license while she was under a tremendous amount of stress. (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 28, 2006, the Board of Examiners sent Tapp a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Tapp 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 her offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Tapp signed the certified mail return receipt and the regular mail copy was not returned. Tapp did not respond to the hearing notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Tapp's guilty plea to harassment by offensive touching, the forfeiture of her public office, and her permanent disqualification from holding a public position constitute conduct unbecoming a certificate holder. At its meeting of February 22, 2007, the State Board of Examiners reviewed the charges and the answer Tapp filed in response to the Order to Show Cause. After review of Tapp's submission, the Board of Examiners determined that no material facts related to her offense were in dispute since she admitted that she had pled guilty to the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Tapp's offense as set forth in the Order to Show Cause, provides 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*. "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.

The Commissioner has long held that teachers serve as role models for their students. 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). Tapp’s act of harassment by offensive touching is inexcusable for any individual, teacher or not. In this instance, Tapp’s repeated touching of one of her students caused the court to order her to forfeit her teaching position and bar her from ever again holding a public position in New Jersey.

Accordingly, pursuant to the Board of Examiners’ vote, it is therefore ORDERED that Traci Tapp’s Teacher of Health & Physical Education Certificate of Eligibility With Advanced Standing and Teacher of Health & Physical Education and Teacher of Driver Education certificates be revoked effective this 29th day of March, 2007. It is further ORDERED that Tapp return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, 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: April 2, 2007

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