

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
ELIZABETH PETERS : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-197

At its meeting of February 23, 2009, the State Board of Examiners reviewed information received from the Office of Criminal History Review (OCHR) indicating that respondent Elizabeth Peters was convicted of Arson in December 2008. The OCHR notified that as a result of the conviction, Peters was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Peters currently holds a Substitute Credential which expires on July 1, 2020. Upon review of the above information, the State Board of Examiners voted to issue Peters an Order to Show Cause at its meeting of March 31, 2009.

The Board sent Peters the Order to Show Cause by regular and certified mail on April 1, 2009. The Order provided that Peters must file an Answer within 30 days. Neither copy of the Order was returned. Peters did not file a response. Thereafter, on May 19, 2009, the Board sent Peters another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Peters' attorney responded by letter dated May 28, 2009.

In his response, Peters' attorney stated that she would not be responding to the Order to Show Cause and that the Board may "deem the allegations as set forth in the Order to Show Cause as admitted." (Answer, p. 1.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 3, 2009, the Board sent Peters a hearing notice by regular and certified mail. Neither copy was returned. The notice explained that there were no material facts in dispute, and thus, Peters 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 the conduct underlying her offense and resulting disqualification warranted action against her credential. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Peters was also provided the opportunity to appear before the Board to testify on the sanction issue. Peters did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Peters' conviction and subsequent disqualification constitutes conduct unbecoming a certificate holder. Since Peters' response to the Order to Show Cause admitted all of the Order's allegations, at its meeting of September 17, 2009, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Peters' offense were in dispute since she admitted to the allegations that she had been convicted of arson and had been disqualified from public employment because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Peters' conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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 dangerous. Individuals convicted of a crime such as arson fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for 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.

In this case, Peters has been convicted of arson, a dangerous crime. A teacher’s behavior outside the classroom may be relevant in determining that person’s qualifications and continued fitness to retain his certification. *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 Peters’ disqualification from service in the public schools of this State because of her conviction for Arson provides just cause to take action against her credential.

That strong policy statement on the part of the Legislature, set forth in *N.J.S.A.* 18A:6-7.1(b), also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service to the public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Peters’ offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of her substitute credential.

Accordingly, on September 17, 2009 the Board of Examiners voted to revoke Elizabeth Peters’ Substitute Credential. On this 22nd day of October 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Peters’ credential be effective immediately. It is further ORDERED that Peters return her credential to

the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ: