

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JEAN ST. FORT : ORDER OF SUSPENSION
_____ : DOCKET NO: 1617-239

At its meeting of May 12, 2017, the State Board of Examiners (Board) reviewed information received from the Essex County Prosecutor's Office regarding Jean St. Fort. On November 1, 2016, St. Fort was indicted on a charge of 3rd degree Insurance Fraud. St. Fort allegedly added extra insurance coverage on his motorcycle on August 27, 2015 at 2:56 p.m. He then filed a claim on September 3, 2015, stating that he was in a single vehicle accident on August 31, 2015. When the insurance company investigated, it discovered that St. Fort had called for a tow on August 27, 2015 at 12:44 p.m. due to an accident, thereby misrepresenting the date of loss of his motorcycle in order to obtain insurance benefits to repair it. On March 27, 2017, St. Fort received an Order of Postponement and was accepted into a Pretrial Intervention program (PTI) for 6 months as a result of the incident. St. Fort currently holds a Teacher of Elementary School in Grades K-6 Certificate of Eligibility, issued in April 2014, a Teacher of English as a Second Language Certificate of Eligibility, issued in August 2014 and a Teacher of Elementary School in Grades K-6 certificate, issued in September 2015. Upon review of the above information, the Board voted at its meeting of June 15, 2017 to issue St. Fort an Order to Show Cause as to why his certificates should not be suspended.

The Board sent St. Fort the Order to Show Cause by regular and certified mail on June 20, 2017. The Order provided that St. Fort must file an Answer within 30 days. St. Fort filed an Answer on July 18, 2017.

In his Answer, St. Fort stated that the Order to Show Cause misrepresented the facts of the reporting of his accident. (Answer, ¶ 3). He acknowledged making a statement on September 3, 2015, regarding a motor vehicle accident and noted that "the information I provided regarding the accident were [*sic*] not completely accurate." (Answer, ¶ 3). St. Fort added that he never completed the process and "subsequently contacted the insurance company to voluntarily withdraw my statement at that time

(without any known investigations or charges).” (Answer, ¶ 3). He noted that he did not receive any financial compensation or benefit from any insurance disbursements. (Answer, ¶ 3). St. Fort indicated that he accepted the prosecutor’s offer of a deferred disposition “after understanding a 3rd degree charge wouldn’t affect my employment status.” (Answer, ¶ 4). He also stated that his charges would be dismissed after six months and there would be no conviction. (Answer, ¶ 4). St. Fort noted that his charges would be dismissed before the beginning of the 2017-18 school year and that his record could be expunged six months after the completion of PTI. (Answer, ¶ 5). He also reminded the Board that although he made a mistake, he remedied it and withdrew his statement voluntarily “not because of a court decision or investigation.” (Answer, ¶ 5). St. Fort emphasized that while his criminal charges could be expunged, any suspension of his certificates “would negatively impact potential growth, leadership opportunities and the wonderful things I do with my students in my district and others.” (Answer, ¶ 6). He therefore asked the Board not to suspend his certificates. (Answer, ¶ 6).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 1, 2017, the Board sent St. Fort a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, St. Fort 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, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against his certificates. St. Fort was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. St. Fort filed a response on September 14, 2017.

In that response, St. Fort argued that suspension of his certificates was not warranted. He claimed that he tried to remedy his mistake in giving inaccurate information to his insurance company by seeking to withdraw his claim soon thereafter and before he had knowledge that his claim had been denied. (Hearing Response, pp. 6-8). St. Fort also emphasized that his conduct did not arise out of or during the course of his employment as a teacher. (Hearing Response, pp. 8-9). Moreover, he noted that he had successfully completed his PTI early and the charges against him had been dismissed, indicating that he was “worthy of a second chance” to prove himself a productive member of society. (Hearing Response,

pp. 9-14). St. Fort argued that he was fit to be teaching public students as he had taught successfully for two years since the conduct at issue and had been rehired for a third year in his district. (Hearing Response, p. 13). He added that he had been rated as an effective teacher and was deeply involved in the school and at-large community in Essex County, devoting his time to helping young people. (Hearing Response, p. 13). St. Fort opined that, contrary to his one-time lapse in judgment, he had proven himself to be a role model for the past two years since the insurance claim was filed and any action against his certificates would be purely punitive and would not serve his students or the public. (Hearing Response, pp. 13-14). He added that the Board could rely upon his record from the past two years to determine whether he was fit to teach and pointed out that his charge was minor enough that he never had a break in employment. (Hearing Response, p. 14). Moreover, St. Fort noted that it would defeat the purpose and policy behind PTI to have him successfully complete the program, have his charges dismissed only to be “double-punished” through his profession’s licensing agency. (Hearing Response, p. 16). Finally, he argued that if the Board determined a suspension was warranted in his case, it should be minimal, perhaps three months or less. (Hearing Response, pp. 17-20).

The threshold issue before the Board in this matter is whether St. Fort’s conduct constitutes conduct unbecoming a certificate holder. At its meeting of November 1, 2017, the Board considered the allegations in the Order to Show Cause as well as St. Fort’s Answer and Hearing Response. The Board determined that no material facts related to St. Fort’s offense were in dispute since he did not deny that he had engaged in the some of the conduct alleged in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether St. Fort’s conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

The Board 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:9B-4.4*. “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.

St. Fort argues that he should retain his certificates since the incident did not implicate his teaching responsibilities. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981).

Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher’s whole life is subject to scrutiny, not just his/her actions within the schoolhouse doors:

[R]espondent’s argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school property. *See In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County*, 1965 *S.L.D.* 159, *aff’d*, State Board of Education 1970 *S.L.D.* 448; *In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County*, 1971 *S.L.D.* 623.

[*In the Matter of the Tenure Hearing of Robert H. Beam*, 1973 *S.L.D.* 157, 163.] St. Fort therefore cannot exclude his “out-of-school” behavior from this tribunal’s examination.

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 (1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this instance, St. Fort’s actions in filing a false insurance claim is conduct that indicates a serious lapse in judgment. Nonetheless, it is clear that St. Fort tried to correct his behavior relatively quickly, an action that was acknowledged by the court in imposing a short PTI term and thereafter releasing him early. Moreover, although his teaching career has been short, he has shown himself to be

very involved with his students and community. In light of this mitigating evidence, the Board therefore concludes that the appropriate response to St. Fort's breach is a six-month suspension of his certificates.

Accordingly, on November 1, 2017, the Board voted to suspend Jean St. Fort's Teacher of Elementary School in Grades K-6 and Teacher of English as a Second Language Certificates of Eligibility and his Teacher of Elementary School in Grades K-6 certificate for a period of six months. On this 8th day of December 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that St. Fort's certificates be suspended for six months, effective immediately. It is further ORDERED that St. Fort return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

RRH/MZ/th

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.