

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
SHEILA KAIRU (KABINGE) : ORDER OF SUSPENSION
_____ : DOCKET NO: 1617-207

At its meeting of March 3, 2017, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Sheila Kairu (Kabinge). On May 29, 2015, the CHRU notified the Board that Kairu had been arrested in Kenya for murder in 2014. If convicted, Kairu would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Kairu currently holds a Teacher of Elementary School Certificate of Eligibility, issued in October 1997, a Teacher of Physical Science Certificate of Eligibility, issued in June 1998, a Teacher of Physical Science certificate, issued in June 1999, a Teacher of Elementary School certificate, issued in July 1999 and a Supervisor certificate, issued in February 2010. Upon review of the above information, at its meeting of April 6, 2017, the Board voted to issue Kairu an Order to Show Cause as to why her certificates should not be suspended pending the resolution of the criminal proceedings against her.

The Board sent Kairu the Order to Show Cause by regular and certified mail on April 10, 2017. The Order provided that Kairu must file an Answer within 30 days. Kairu filed an Answer on April 18, 2017. In that Answer, Kairu admitted that she had been charged with murder and that she had pled not guilty and had been released on bail. (Answer, p. 1). She indicated that she had been travelling at night with her husband when they were carjacked and he was murdered. (Answer, p. 1). She indicated that since she was the last person to be seen with him, she was charged with the crime. (Answer, p. 1). Kairu added that “suspending my certification before the Court case is concluded is quite presumptuous and will only imply that the board has concluded that I am guilty without letting the due process of the law to take place.”

(Answer, p. 1). She urged the Board to uphold the “Rule of law” by not punishing her without giving her a fair trial. (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on May 8, 2017, the Board sent Kairu a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Kairu 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 her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Kairu was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail nor the regular mail copy was returned. Kairu did not file a response.

The threshold issue before the Board in this matter, therefore, is whether there is just cause to take action against Kairu’s certificates. At its meeting of July 27, 2017, the Board considered the allegations in the Order to Show Cause and Kairu’s Answer. The Board determined that no material facts related to Kairu’s offense were in dispute since she admitted that he had been charged with the offenses alleged. 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 Kairu’s conduct and charges, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that they do.

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*. 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 crimes such as Murder 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.

Moreover, 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). In this case, Kairu has been charged with Murder. The Board therefore finds that Kairu's potential disqualification from service in the public schools of this State because of her indictment for such a serious offense provides just cause to take action against her certificates.

Accordingly, on July 27, 2017, the Board voted to suspend Kairu's certificates pending resolution of the criminal proceedings against her. On this 15th day of September 2017, the Board formally adopted its written decision to suspend and it is therefore ORDERED that Sheila Kairu's Teacher of Elementary School and Teacher of Physical Science Certificates of Eligibility and her Teacher of Physical Science, Teacher of Elementary School and Supervisor certificates be suspended, effective immediately. If the charges are resolved in her favor, she shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that Kairu

return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, PO 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:
via certified and regular mail

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