

New Jersey Commissioner of Education

Final Decision

Tris S. Groome,

Petitioner,

v.

New Jersey Department of Education,
State Board of Examiners,

Respondent.

Synopsis

Pro-se petitioner appealed the determination of the respondent New Jersey State Board of Examiners (SBE) denying her application for a Teacher of Spanish certificate after it was determined that petitioner had been investigated in Arkansas on child abuse charges which were subsequently dropped under an exception in Arkansas law that allows a parent to use physical discipline on their child. Further, on her application for New Jersey certification, petitioner stated – under penalty – that she had never had an educator certification revoked, suspended, or denied in any state, yet the SBE determined that in 2022, the Wisconsin Department of Public Instruction had denied petitioner’s application for a teaching license based on her conduct in Arkansas. Petitioner contended that she did not intend to perjure herself on her New Jersey licensure application, but simply misread the question and accidentally checked the wrong response. The SBE filed a motion to dismiss the petition.

The ALJ found, *inter alia*, that: the issue in this case is whether petitioner satisfied her burden of demonstrating, by a preponderance of the evidence, that the SBE acted in a manner that was arbitrary, capricious, or contrary to law when it determined not to grant her application for a New Jersey teaching license; petitioner was found to have engaged in conduct that fit the definition of abuse in Arkansas; although the parental exemption under Arkansas law ultimately prevented petitioner’s name from entering the child abuse registry, that holding cannot alter the nature of the underlying conduct; and the SBE and the Commissioner have consistently held that teachers are entrusted with the care and custody of children and it is their duty to exercise self-restraint and controlled behavior. The ALJ concluded that there was sufficient credible evidence to support the SBE’s decision denying petitioner’s application for a New Jersey teaching license. Accordingly, the ALJ granted the SBE’s motion to dismiss the petition.

Upon review, the Commissioner found, *inter alia*, that: the petition of appeal in this matter was filed in accordance with *N.J.A.C. 6A:3*, not *N.J.A.C. 6A:4*; the ALJ mistakenly applied the wrong standard of review in the Initial Decision, stating that the SBE’s decision will not be overturned unless the petitioner proves that the SBE acted in a manner that was arbitrary, capricious or contrary to law; the appropriate standard of review here is whether the SBE’s decision was consistent with the applicable statutory and regulatory provisions of *N.J.A.C. 6A:3*; nonetheless, the record demonstrates that the petitioner is not suitable for employment as a teaching staff member in a public school under *N.J.A.C. 6A:9B-4.1*. Accordingly, the Initial Decision of the OAL was modified with respect to the appropriate standard of review and the petition was dismissed.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

New Jersey Commissioner of Education
Final Decision

Tris S. Groome,

Petitioner,

v.

New Jersey State Department of Education,
State Board of Examiners,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

In this case, petitioner Tris Groome filed a petition of appeal under *N.J.A.C. 6A:3.1 et seq.* challenging the State Board of Examiners' (Board) decision denying her application for a Teacher of Spanish certificate. The Administrative Law Judge (ALJ) granted the Board's motion to dismiss, determining that the Board's decision was supported by sufficient credible evidence.

As a threshold matter, a discussion of the applicable standard of review for petitions of appeal that are filed under *N.J.A.C. 6A:3* is necessary. When there is a challenge to a determination made by an office within the Department of Education, the Commissioner is not mandated to give deference to her staff, but instead determines whether the finding was legally appropriate. In certain instances, the Department of Education has limited the scope of review of a subordinate office or division by regulation. However, a decision by the Board denying an application for a certificate is not entitled to the arbitrary, capricious, or unreasonable standard of review that is afforded to appeals filed under *N.J.A.C. 6A:4*, challenging a decision of the Board revoking or

suspending a certificate. These are two distinct types of decisions and two distinct types of proceedings, and the regulatory provisions pertaining to each should not be conflated. See *Jessica Walder v. New Jersey Department of Education, State Board of Examiners*, Commissioner Decision No. 503-14, decided December 29, 2014; *Jaroslaw Nimczyk v. New Jersey State Board of Examiners*, Commissioner Decision No. 98-22, decided May 16, 2022; *Melody Travisano v. New Jersey State Board of Examiners*, Commissioner Decision No. 190-22, decided August 8, 2022; *Wayne Ernst v. New Jersey State Board of Examiners*, Commissioner Decision No. 311-22, decided November 16, 2022; *Stephanie Florio v. New Jersey State Board of Examiners*, Commissioner Decision No. 336-22, decided December 14, 2022; and *Jamie Sebastian v. New Jersey Department of Education, State Board of Examiners*, Commissioner Decision No. 94-23, decided March 30, 2023 (all finding that the Commissioner does not give deference to a decision of the State Board of Examiners denying a request for issuance of a certificate).

Here, the ALJ mistakenly referenced *N.J.A.C. 6A:4-4.1(a)* in the Initial Decision and stated that the Board's decision will not be overturned unless the petitioner proves that the Board acted in a manner that was arbitrary, capricious or contrary to law.¹ The petition of appeal in this matter relates to the Board's denial of an application for a certificate, not the Board's suspension or revocation of a certificate. Therefore, the standard of review that governs appeals filed under *N.J.A.C. 6A:4* does not apply to this case, and the appropriate standard of review of the Board's decision is whether the decision is consistent with the applicable statutory and regulatory provisions.

Upon a comprehensive review of the record and applying the appropriate standard of review, the Commissioner is in accord with the Board's determination that petitioner is not suitable

¹ The Motion to Dismiss filed by the Deputy Attorney General on behalf of the Board of Examiners also referenced *N.J.A.C. 6A:4-4.1(a)* and the incorrect standard of review that applies in this matter.

for employment as a teaching staff member in a public school under *N.J.A.C. 6A:9B-4.1*. Although the ALJ applied an inaccurate standard of review, the record of the matter demonstrates that the Arkansas Department of Human Services found that petitioner hit her child on the shoulder, causing bruising and welts; this conduct would constitute abuse under Arkansas law, but fell under an exception allowing a parent to use physical discipline on their child.² Petitioner later applied to the Wisconsin Department of Public Instruction for a teaching license, and her application was denied based on the conduct that occurred in Arkansas. When the petitioner applied to the Board for a teaching certificate, she falsely stated that she had never had an educator certification revoked, suspended, or denied in any state. Based on these facts, the Commissioner concludes that the Board's decision to deny petitioner's application was consistent with the applicable regulatory provisions.

Accordingly, the Initial Decision is modified with respect to the appropriate standard of review and the petition is hereby dismissed.

IT IS SO ORDERED.³


ANGELICA ALLEN McMILLAN, J.D.
ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 5, 2023

Date of Mailing: December 6, 2023

² Petitioner indicated that her Arkansas teaching license remains in effect.

³ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

MOTION TO DISMISS

OAL DKT. NO. EDU 03943-23

AGENCY DKT. NO. 75-3/23

**IN THE MATTER OF THE DENIAL OF
RECIPROCAL LICENSURE OF TEACHING
CERTIFICATE FOR TRIS S. GROOME,
NEW JERSEY DEPARTMENT OF EDUCATION,
BOARD OF EXAMINERS.**

Tris S. Groome, petitioner, pro se

David L. Kalisky, Deputy Attorney General, for respondent, New Jersey Department of Education, Board of Examiners (Matthew J. Platkin, Attorney General, attorney)

Record Closed: July 19, 2023

Decided: November 2, 2023

BEFORE **JOAN M. BURKE**, ALJ:

STATEMENT OF THE CASE

Petitioner, Tris Groome, challenged the denial of her application for a Teacher of Spanish Certificate by the New Jersey Department of Education, Board of Examiners (the Board). The Board denied the application because the Arkansas Department of Human

Services determination that Groome's action in striking a twelve-year-old child constituted abuse and her failure to disclose the denial of her Wisconsin's educator application when specifically asked during the New Jersey certification application process. Petitioner argues that she mis-read question #2 on the application and checked "no" mistakenly.

PROCEDURAL HISTORY

On March 3, 2023, the Board rendered its written decision denying petitioner's request for a Teacher of Spanish Certificate. On March 21, 2023, petitioner filed an appeal of the Board's decision with the State of New Jersey Department of Education. On May 3, 2023, the respondent filed a Motion to Dismiss in lieu of an Answer, and the contested case was transmitted to the Office of Administrative Law (OAL) where it was filed on May 4, 2023. N.J.S.A. 52:14B-1 to N.J.S.A. 52:14B-15 and N.J.S.A. 52:14F-1 to N.J.S.A. 52:14F-13.

During a telephone conference convened on July 19, 2023, I was informed by the parties, that they were requesting the matter be heard on the papers that were already submitted. I scheduled another status conference which was held on August 24, 2023, which allowed the parties the opportunity to submit additional documentation. Respondent resubmitted the motion papers which were previously submitted and received on August 8, 2023; nothing further was received from the petitioner. The record closed on August 24, 2023. The Acting Director and Chief Administrative Law Judge granted an extension of time for the Initial Decision on September 19, 2023.

FINDINGS OF FACT

The parties do not dispute many of the background facts in this case. I therefore **FIND** the following **FACTS**:

Arkansas Factual History

On September 5, 2020, a report was made to the Child Abuse Hotline that Groome abused G.G. (Resp. Ex. A), Tris Groome v. Ark. Dep't. Hum. Servs., No. 21002054 at 2-3 (Ark. Dep't. Hum. Servs. Office of Appeals and Hearings, Mar. 29, 2022) (final order). Arkansas Division of Children and Family Services ("DCFS") substantiated the allegations, "making true findings" that Groome "abused the juvenile, causing nonaccidental injury." (Resp. Ex. A), Id. at 1-2. Criminal charges were also brought against Groome for the same conduct, but the prosecutor dismissed the charges after ordering Groome to pay several fines.¹ (Resp. Brief at 2), (Resp. Ex. B). Groome appealed the DCFS decision. (Resp. Ex. A), Tris Groome v. Ark. Dep't. Hum. Servs., No. 21002054 at 2-3 (Ark. Dep't. Hum. Servs. Office of Appeals and Hearings, Mar. 29, 2022) (final order).

On appeal, the Arkansas administrative law judge found the following facts:

1. Tris Groome is the biological mother of G.G.
2. G.G. was twelve years old at the time of the alleged maltreatment.
3. "G.G. has numerous mental health diagnoses, including ADHD, adjustment disorder with mixed disturbances and conduct, disruptive dysregulation disorder, and oppositional defiance disorder."
4. "On the day of the report, G.G. had become violent and destructive. He pulled his bedroom door from its frame, used a knife to cut up items in his room, and punched holes in walls."
5. Tris Groome attempted to calm G.G. but was unsuccessful. When he was behaving violently, Tris Groome attempted to spank him with a belt, hitting

¹ Groome states in an email that she did not pay any fines or fees. (Tris Groome, Email to N.J. Dep't. of Edu. and David Kalinsky (May 4, 2023 at 10:59AM)). Respondent, however, provides documentation of Groome being ordered to pay fines in Exhibit B.

him on the shoulder and back leaving “significant marks.” This hit did not break skin but did cause bruising and welts.

6. Tris Groome caused nonaccidental physical injury to G.G.

The ALJ determined that Groome’s conduct toward G.G. constituted abuse as that term is defined by Arkansas law. (Resp. Ex. A). However, the ALJ also determined that an exception applied, which “excludes from the definition of abuse a parent’s use of physical discipline if it is reasonable and moderate and inflicted for the purpose of correcting their child.” (Resp. Ex. A), Arkansas Code Annotated § 12-18-101(3)(c)(i). Thus, “the nonaccidental physical injury [caused by Tris Groome was] not abuse,” and Groome’s name was not added to the Arkansas Child Maltreatment Central Registry. (Resp. Ex. A_(Resp. Ex. A). Groome states that her teaching license remains intact in Arkansas. (Resp. Ex. D), (Tris Groome, Email to Wisc. Dep’t. of Pub. Instruction (Apr. 14, 2022 at 11:04:20 AM CDT)).

I. Wisconsin Factual History

On September 28, 2021, Groome applied for a teaching license in the State of Wisconsin. (Resp. Ex. C). The Wisconsin Department of Public Instruction (“DPI”) denied her licensure on April 14, 2022, because “[Groome] engaged in immoral conduct,” as defined in Wis. State, § 115.31(1)(c)1. (Resp. Ex. C). DPI made this conclusion based on the Arkansas ALJ’s decision that defined her striking her son with a belt on September 5, 2020, as “abuse,” and as this conduct was “contrary to commonly accepted moral or ethical standards and endangered the health, welfare, or safety of one or more pupils.” (Resp. Ex. C).

On April 14, 2022, Groome emailed DPI to request a hearing “to prove why this denial is improper, inaccurate, and wrong.” (Resp. Ex. D). She stated that the denial was wrong as she had no intent to hit her son on the back, only to “spank his bottom,” and as the criminal charges against her were dropped. (Resp. Ex. D).

On April 22, 2022, Groome's request for a hearing was denied as there was no dispute as to any material fact. (Resp. Ex. E). DPI explained via letter that Groome's argument, that she only intended to hit G.G.'s bottom as opposed to his back, was immaterial to its conclusion that Groome's conduct was "contrary to commonly accepted moral or ethical standards and endangered the health, welfare, or safety of one or more pupils." (Resp. Ex. E). Further "whether [Groome was] ultimately convicted of criminal charges in this incident is immaterial to DPI's finding that striking [her] son with a belt is immoral conduct in and of itself." (Resp. Ex. E). DPI also states that the Arkansas ALJ did not conclude that Groome did not abuse her son, rather that "[she] ultimately benefitted from an exception under Arkansas law which carves out discipline of your child from the definition of abuse." (Resp. Ex. E).

Groome appealed this denial sometime thereafter, however, Groome's appeal was denied with prejudice on August 25, 2022, after she failed to properly serve an authenticated copy of her summons and complaint upon the State Superintendent of Public Instruction within the required statutory time period. (Resp. Brief at 6), (Resp. Ex. F).

II. New Jersey Factual History

On November 21, 2022, Groome applied for a Teacher of Spanish Certificate in New Jersey. (Resp. Ex. G). On her application, Groome stated, under penalty, that she had never had an educator certification revoked, suspended, or denied in any state. (Resp. Ex. G). The New Jersey State Board of Examiners ("the Board") denied Groome's application on March 3, 2023, based on two considerations: 1) Groome's failure to disclose the Wisconsin denial when specifically asked during the New Jersey certification application process and 2) the Arkansas ALJ's "determination that [Groome's] actions in striking a 12-year-old-constituted abuse." (Resp. Ex. G). Groome filed a pro se Petition of Appeal on March 21, 2023. (Groome Pro Se Petition of Appeal, Mar. 21, 2023).

Regarding her failure to disclose Wisconsin's denial of her application for licensure, Groome states that "it was never [her] intent to purger [sic] [her]self," and that she "mis-read [sic]" the question and "checked 'no' mistakenly." (Groome Pro Se Petition of Appeal,

Mar. 21, 2023). Regarding the Arkansas ALJ's determination that she abused G.G., Groome contends that under Arkansas law, she had "not only the right to discipline [her] own child but the right to restrain [her son] reasonably." (Groome Pro Se Petition of Appeal, Mar. 21, 2023). Groome requests relief in the form of "a formal apology, compensation for all hours canceled, and immediate issuance of reciprocal licensure in the state of New Jersey." (Groome Pro Se Petition of Appeal, Mar. 21, 2023).

DISCUSSION AND CONCLUSIONS OF LAW

The issue in this matter is whether the Board's denial is supported by the evidence and is not arbitrary, capricious, or contrary to the law. If not, the Commissioner may reject the Board's determination. N.J.A.C. 6A:4-4. 1 N.J.A.C. 6A:9B-14.5(b)(6); N.J.A.C. 6A:9B-4.12(b).

N.J.A.C. 6A:3-1.10 states:

At any time prior to transmittal of the pleadings to the OAL, in the Commissioner's discretion or upon motion to dismiss filed in lieu of answer, the Commissioner may dismiss the petition on the grounds that the petitioner has advanced no cause of action even if the petitioner's factual allegations are accepted as true or for lack of jurisdiction, failure to prosecute or other good reason.

In the instant matter, respondent filed its motion to dismiss with the Commissioner. The matter was then transferred to the OAL, where respondent re-filed its motion.

N.J.A.C. 6A:3-1.10 is similar to New Jersey Court Rule 4:6-2(e). The inquiry in a motion to dismiss is "limited to examining the legal sufficiency of the facts alleged on the face of the complaint." Printing Mart-Morristown v. Sharp Elec. Corp., 116 N.J. 739, 746 (1989). Herein, the petition of appeal equates to the complaint.

A careful review of the petition of appeal does not reveal a claim upon which relief may be granted. Nothing contained therein adds to what the Board considered. The petitioner seems to indicate in her petition that the burden was on the Board because the Board's denial was unlawful.

Here, petitioner “carries the burden of demonstrating by a preponderance of the credible evidence that she is entitled to the endorsement she seeks.” McQuilken v. N.J. St. Bd. of Exam’rs, OAL Dkt. No. EDU8374-11, Initial Decision (Dec. 13, 2011), adopted Comm’r(January27,2012), <http://njlaw.rutgers.edu/collections/oal/search.html>. In evaluating determinations by the Board of Examiners, the Commissioner shall not disturb the decision if the decision is supported by sufficient credible evidence in the record, “unless the appellant has demonstrated the State Board of Examiners or the School Ethics Commission acted in a manner that was arbitrary, capricious, or contrary to law.” N.J.A.C. 6A:4-4.1 The Department of Education intended the standard of review for Commissioner determinations under Chapter Six to be “appellate in nature.” 40 N.J.R. 4606(a).

The arbitrary, capricious, or unreasonable standard consists of three inquiries:

- (1) whether the agency action violates the enabling act's express or implied legislative policies;
- (2) whether there is substantial evidence in the record to support the findings upon which the agency based application of legislative policies; and
- (3) whether, in applying the legislative policies to the facts, the agency clearly erred by reaching a conclusion that could not reasonably have been made upon a showing of the relevant factors. [Public Serv. Elec. and Gas Co. v. New Jersey Dep’t. of Env’tl. Protect., 101 N.J. 95, 103 (1985).]

However, “where there is room for two opinions the action is not arbitrary or capricious when exercised honestly and upon due consideration even though the court may believe that an erroneous conclusion has been reached.” Bayshore Sewerage Co. v. Department of Environmental Protection, 122 N.J. Super. 184, 199 (App. Div. 1973) (Internal citations omitted). Significantly, a “court should not substitute its judgment for that of an administrative or legislative body if there is substantial evidence to support the ruling.” Ibid.

I. Conduct Unbecoming a Teacher

The Board may revoke, suspend, or deny a teaching certificate “on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher, or other just cause.” N.J.A.C. 6A:9B-4.4, N.J.A.C. 6A:9B-4.1. Here, the Board has denied Groome a Teacher of Spanish Certificate for conduct unbecoming a teacher.

“Conduct unbecoming a teacher” is a phrase that is not defined in statutes or regulations but is interpreted in case law. Its definition includes a broad range of behavior that impacts on a teacher’s ability to perform his duties or otherwise renders him unfit to have the responsibility for the care of children. See State Bd. of Exam’s v. Charlton, 96 N.J.A.R.2d (EDE) 18; In re the Certificate of Fargo, 91 N.J.A.R. 2d (EDE) 1. Although “conduct unbecoming” a teacher or other public employee is not defined in the statutes or regulations, it has been described as an “elastic” phrase that includes “any conduct which adversely affects the morale or efficiency of a department; conduct which has a tendency to destroy respect for public employees and their departments; or conduct which destroys confidence in public service.” Stratton v. Burlington County Dep’t. of Buildings and Grounds, 95 N.J.A.R. 2d. 555, 556 (citations omitted), In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960) (citation omitted). There are no statutory or regulatory guidelines addressing when revocation or suspension is the appropriate remedy; “[t]hat decision is discretionary, on a case-by-case basis, after considering the individual facts and circumstances.” In re Certificate of Fargo, 91 N.J.A.R.2d (EDE) 1, 3.

Teachers are held to a higher standard of conduct because of the influence they have over students. See, Bradley, 92 N.J.A.R. 2d. (EDE) 13 (“A teacher should possess personal qualities valued by our society because a teacher helps to shape the attitudes of young minds toward that society.”) (citing, Adler v. Board of Education of the City of New York, 342 U.S. 485, 493 (1952)); Fargo, 91 N.J.A.R. 2d. (EDE) 1 (citing Adler for the same proposition.); Adler, 342 U.S. 485, 493 (“A teacher works in a sensitive area in a schoolroom. There he shapes the attitude of young minds towards the society in which they live. In this, the state has a vital concern. It must preserve the integrity of the schools. That the school authorities have the right and duty to screen the officials,

teachers, and employees as to their fitness to maintain the integrity of the schools as a part of ordered society, cannot be doubted.”)

When considering granting Groome a teaching certificate, Groome must be held to the same high standard to which all teachers in New Jersey are held. She has been a teacher for nearly twenty years, and her actions, both in and out of the classroom, reflect on her as a teacher and the licensing board in charge of certifying her. Groome was found to have engaged in conduct that fit the definition of abuse in Arkansas. While the Arkansas ALJ ultimately held that Groome benefited from an exception to that definition, preventing her from being on the Arkansas Child Maltreatment Central Registry, that holding cannot alter the nature of the underlying conduct. The Board and Commissioner have consistently held that teachers have been entrusted with the care and custody of children and it is their duty to exercise self-restraint and controlled behavior. In re Lucarelli, 97 N.J.A.R.2d (EDU) 537; In re Sammons, 1972 S.L.D. 302. “While teachers are sensitive to the same emotional stresses as all other persons, their particular relationship to children imposes upon them a special responsibility for exemplary restraint and mature self-control.” See In re Tenure Hearing of Appleby, 1969 S.L.D. 159, 173 (quoting In re Tenure Hearing of Fulcomer, 1962 S.L.D. 160, 162). It could well be reasoned that Groome has not met this level of self-restraint required of New Jersey teachers, as hitting her son with a belt likely does not indicate that she is executing exemplary restraint and mature self-control.

Further, the overriding framework to determine whether conduct reaches the level of conduct unbecoming was discussed by the Commissioner of Education in Tenure Hearing of Sammons, 1972 S.L.D. 302. Sammons noted that teachers are holders of the public trust and are held to the highest standards of conduct. Id. at 321. The Commissioner stressed that “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.” Ibid. In In Re Certificate of Mary Ann Bauer, ALJ Samuels stated that although an application by the Board for revocation concerns a different claim or cause of action than those proceedings initiated by a school district or by the Commissioner of Education to remove tenure, the statutes and regulations used by both agencies contain

similar standards. In Re Certificate of Mary Ann Bauer, EDE 7696-92, Initial Decision, (August 8, 1996), modified, State Board of Examiners (September 26, 1996) <<http://lawlibrary.rutgers.edu/oal/search.html>>. Therefore, conduct found to be unbecoming in a tenure case can be considered unbecoming conduct in a denial or revocation case.

The Board argues that if Groome's actions had occurred in the classroom (i.e., if Groome had struck a student on the back with a belt), Groome's actions would clearly constitute conduct unbecoming a teacher. (Resp. Brief at 13-15). The Board cites several cases in which it was decided whether teachers engaged in unbecoming conduct of a teacher, including cases where a teacher slapped a student; a teacher pushed, punched, and kicked a student; and a teacher continuously choked a student until the student lost consciousness. (Resp. Brief at 14-16). See Cf. IMO the Certificates of Alex Ramadanis, State Bd. Of Exam'rs, Agency Dkt. No. 1617-205 (April 13, 2018), IMO the Certificates of Vincent Ajayi, State Bd. Of Exam'rs, Agency Dkt. No. 1617-121 (January 19, 2018), IMO the Certificates of R.A., State Bd. Of Exam'rs, Agency Dkt. No. 0910-228 (June 16, 2011). To conflate Groome's discipline of her child in her home to the actions of a teacher slapping, pushing, punching, kicking, or choking a student, would be incorrect and improper. Groome states that she has never used corporal punishment on a student. (Tris Groome, Email to Kari Race and Wisc. Dep't. of Pub. Instruction (Apr. 14, 2022 at 11:04:20 AM CDT)). However, her use of corporal punishment on her son is relevant, as case law has allowed for the possibility that conduct unbecoming a teacher may relate to a teacher's conduct inside or outside the classroom.² See N.J. Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981) (Conviction of first degree murder was sufficient unbecoming conduct to revoke certification.); Woodbridge Township School District v. Ramage, 1 N.J.A.R. 381 (1980) (Tenured teacher who pled guilty to conspiracy and bookmaking engaged in conduct unbecoming a teacher, although the crimes themselves did not involve moral turpitude.)

² These cases consistently find that conduct that occurs outside the classroom may still very well be conduct unbecoming a teacher.

Misrepresentation on Teaching Certification Application

Groome states that she did not intend to falsely answer the application question as to whether she had been denied certification in another state. (Groome Pro Se Petition of Appeal, Mar. 21, 2023). This would mean that her answer was an unintentional misrepresentation. However, it has been consistently held that regardless of intent, entering a false answer in an application for certification constitutes conduct unbecoming a teacher.

In IMO the Certificates of Danielle Picklo, a teacher's certificate was suspended for three years after she certified under oath on her New Jersey certification application that she had never had a certificate revoked or suspended in any state, even though she voluntarily relinquished her certificate in a settlement. State Bd. Of Exam'rs, Agency Dkt. No. 1213-129 (December 6, 2013). In IMO the Certificates of Elliot Ramo, a teacher's license was suspended for three months for unbecoming conduct after he failed to disclose his criminal convictions in his certification application. State Bd. Of Exam'rs, Agency Dkt. No. 1213-172 (January 17, 2014). In IMO the Certificates of Jilla Maria (Mason), a teacher's certificate was revoked after she failed to disclose her arrest for drug use in Pennsylvania and provided false answers to direct inquiries by one or more district administrators regarding her recent drug use. State Bd. Of Exam'rs, Agency Dkt. No. 2021-167 (May 19, 2022). In In re Certificate of Calvin J. Williams, Jr., EDE 3889-94, final decision, (Oct. 5, 1995), the State Board of Examiners imposed a two-year suspension of the respondent's teaching certificates after finding the respondent was negligent in submitting accurate information in an application for a school administrator certificate. In Williams, a teacher with nearly twenty-five years of experience certified that he met the requirements for the school administrator certificate and submitted a job description that created the inference that he held a principal's certificate, when, at the time, he did not. Initially, the ALJ found that Williams had not engaged in any intentional wrongdoing and did not suspend his certificates. After reviewing the initial decision, however, the Board reasoned that "[t]he professional conduct of a 'seasoned educator' mandates the highest degree of responsibility" and suspended Williams' certificates for two years despite agreeing that there was no willful wrongdoing. It is further important to note that, regarding licensure through the Division of Consumer Affairs, it has been held

that a licensing board may deny an applicant who misinforms the board on her sworn application, even if there is no finding of intent to deceive. In re Y.L., 437 N.J. Super. 409. (2014).

Here, whether Groome intended or did not intend to falsely answer a question on the application has no bearing on whether she engaged in conduct unbecoming a teacher. Falsely answering a teaching certification application question has consistently been held to be conduct unbecoming a teacher, regardless of intent, and this is exactly what Groome did. Further, Groome has been a teacher for nearly twenty years, making her a “seasoned educator,” just like in Williams, requiring the “highest degree of responsibility” from her. Ibid. Considering the length of time she has been an educator, and that Groome has sought teaching reciprocity in several other states, Groome understands the gravity of falsifying information on a teaching certificate application. Groome learned of her Wisconsin certification denial in August of 2022, yet still answered on her New Jersey certificate application in November of 2022, that she had never been denied a certificate in another state. If the Board was to allow teachers to lie on their certificate applications, it would undermine the fact that the application states that answers are “under penalty,” and further would undermine the public’s confidence in the Board’s decision-making authority. The public must believe in the Board’s decisions and must trust and believe that the Board is properly screening those it allows to become a teacher. See Adler, 342 U.S. 485, 493. As such, Groome’s action of incorrectly stating that she has never been denied a teaching certificate in another state on her New Jersey teaching certificate application constitutes conduct unbecoming.

The Board determined that pursuant to N.J.A.C. 6A:9b-4, “Notwithstanding that a candidate may meet all requirements for certification, the Board of Examiners may refuse to issue a certificate to that candidate if, based on the record before it, the Board of Examiners determines that, for reasons set forth in N.J.A.C. 6A:9B-4.4, the candidate is not suitable for employment as a teaching staff member in the public school. (R-G.) The Board further concludes that under N.J.A.C. 6A:9B-4.4, “[t]he Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher, The Board’s denial was in part based on the Arkansas Department of Human Services’ determination that Groome’s

action in striking a twelve year-old child (albeit her son) constituted abuse in addition to failing to disclose the denial of her Wisconsin educator's application when asked during her New Jersey certification application process. Wisconsin's denial was months before Groome's application to New Jersey. For these combined reasons the Board posits, that Groome's actions constitutes "conduct unbecoming." (R-D.) Accordingly, the Board refused to issue a teaching certificate to Groome.

Groome bears a substantial evidentiary burden to establish a case sufficient to set aside a decision by the Board of Examiners. A decision by the Board of Examiners will not be disturbed unless petitioner "has demonstrated [that] the State Board of Examiners . . . acted in a manner that was arbitrary, capricious, or contrary to law." N.J.A.C. 6A:4-4.1(a). It is not within the province of this forum to substitute its judgment for that of the Board of Examiners. Rather, the pertinent inquiry is to "ascertain whether the decision is supported by sufficient credible evidence in the record[.]" N.J.A.C. 6A:4-4.1(a). Judged against this standard of review and based on a consideration of the documentary evidence presented, I **CONCLUDE** that petitioner has failed to shoulder her burden of proof and that the Board of Examiners' decision is supported by sufficient credible evidence.

Therefore, I **CONCLUDE** that the Board's decision to deny the issuance of a Teacher of Spanish certificate, as set forth in its decision dated March 3, 2023, should be **AFFIRMED**.

ORDER

It is hereby **ORDERED** that the Board's denial of a reciprocal licensure with the issuance of a Teacher of Spanish certificate, to the petitioner Tris Groome, as set forth in its decision dated March 3, 2023, should be **AFFIRMED**; and it is further **ORDERED** that petitioner's appeal is **DISMISSED**.

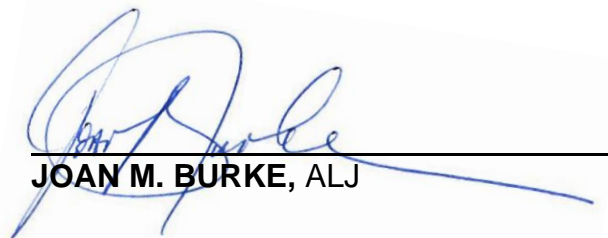
It is hereby **ORDERED** that the Board of Examiners' Motion to Dismiss is **GRANTED** and the petition of appeal is **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

November 2, 2023
DATE



JOAN M. BURKE, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

JMB/jm/mp

APPENDIX
EXHIBITS

For petitioner

Pro se Petition of Appeal

For respondent

Brief in support of Motion to Dismiss with Exhibits A-J