

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JUDITH PITCHER : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-102

At its meeting of October 22, 2009, the State Board of Examiners (Board) reviewed information it had received from the Stillwater Township School District (Stillwater) regarding Judith Pitcher. Stillwater reported that Pitcher resigned from her teaching position after the district filed tenure charges alleging unbecoming conduct and other just cause in regard to her conduct toward students. The district alleged that Pitcher used demeaning language toward her kindergarten students including using the words “hate” and “idiot” and calling at least one child “stupid.” She had also allegedly asked her class “who’s our idiot of the day?” and had the students chant a child’s name back to her. Pitcher also allegedly grabbed one student by the arm and swung him around in an arc so that his back struck a nearby school bus; had refused to allow students to use the bathroom; had thrown a book bag at a student and had refused to follow an administrative directive that she discontinue the use of harsh, demeaning or inappropriate words in the classroom. She also had repeatedly used improper and excessive physical force and had publicly identified students as being on a “good list” or a “bad list.” Pitcher holds Teacher of Nursery School and Teacher of Elementary School certificates, both issued in August 1976. Upon review of the above information, at its January 7, 2010 meeting, the Board voted to issue an Order to Show Cause to Pitcher as to why her certificates should not be revoked.

The Board sent Pitcher the Order to Show Cause by regular and certified mail on January 13, 2010. The Order provided that Pitcher must file an Answer within 30 days. Pitcher responded on February 17, 2010. In her Answer, Pitcher emphatically denied the charges in the Order and stated that she had never engaged in any of the alleged conduct. (Answer, ¶ 2). Pitcher stated that she

resigned from the district because she “was not interested in continuing to work for a district that would make such inaccurate accusations against me.” (Answer, ¶ 3). She added that, because the district offered to pay her close to a year’s salary in return for her resignation, she resigned for those reasons and “not because any of the allegations against me were true.” (Answer, ¶ 3).

Since there were material facts in dispute, on March 5, 2010, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Ellen Bass heard the matter on several days in April and June, 2011. The record closed on October 21, 2011 and the ALJ issued an Initial Decision on December 5, 2011. *In the Matter of the Teaching Certificates of Judith Pitcher*, Dkt. No. EDE 03376-10 (Initial Decision, December 5, 2011).

In that decision, ALJ Bass found that Pitcher was employed by Stillwater as a kindergarten and first grade teacher for twenty years. (Initial Decision, slip op. at 2). In 1995 Pitcher was observed by the Chief School Administrator, S. William Shelton, brusquely escorting a young child down the hallway, by holding his elbow up in the air, with his feet barely touching the ground. *Id* at 4. Shelton told Pitcher that he never wanted to see anything like that happen in the future. *Ibid*. ALJ Bass also found that Pitcher received a memo in 1995 from Shelton stating that other staff members had reported concerns regarding Pitcher’s disciplinary techniques, including speaking to students at the top of her voice and brusquely moving one child by the arm to the front of a line. *Id* at 4-5. In 2002, Pitcher’s principal, Anna Elizabeth Memmelaar, observed Pitcher escorting her students to the busses at the end of the day when Pitcher grabbed a student roughly and swung him toward the side of the bus. *Id* at 6. The ALJ found Memmelaar credible when recounting this event. *Id*. at 7. ALJ Bass also found that in 2006, a visiting teacher, Sue Pierson, overheard Pitcher refer angrily to a student in the class as an idiot. *Id*. at 9. A few moments later, Pierson heard Pitcher ask the class “who is our idiot of the day?” and heard the class chant a student’s name. *Ibid*. Pitcher then repeated the question and the student’s name was chanted again. *Ibid*. The ALJ also found that in the 2007-

2008 school year Pitcher had angrily disciplined two young boys by holding them by the elbows with their arms above their heads and had, on another occasion, screamed so loudly at a kindergarten boy who could not put his coat on quickly enough that a teacher from across the hall came into her room to offer assistance. *Id.* at 11-13. The other teacher had to calm both the boy and a sixth-grade student aide, both of whom were in tears. *Id.* at 13.

After assessing the evidence, ALJ Bass concluded that the Board had proven that Pitcher engaged in unbecoming conduct. *Id.* at 15-16. The ALJ noted that Pitcher's "demeanor with the very young students in her charge, at times, lacked the restraint, controlled behavior, and compassion demanded of a public school teacher." *Id.* at 16. Most tellingly, ALJ Bass observed that "Pitcher taught her students that in school, if you do not move quickly enough, a teacher may roughly move you along; if you do not follow instructions quickly enough you might be yelled at; and if you do something incorrectly you might be publicly humiliated and called 'idiot'." *Ibid.* The ALJ acknowledged that Pitcher had a long, mostly successful career, and balanced that against the proven instances of unbecoming conduct. *Id.* at 16-17. ALJ Bass therefore concluded that "under the totality of the circumstances, the appropriate response to Pitcher's breach of her professional responsibilities is a two-year suspension of her teaching certificates. *Id.* at 17. Both parties submitted Exceptions in the case.

In her Exceptions, the Deputy Attorney General (DAG) representing the Board agreed with the ALJ's finding that Pitcher engaged in unbecoming conduct but argued that the penalty imposed was too lenient. (DAG Exceptions, p. 1). The DAG recounted the various incidents which demonstrated Pitcher's unbecoming conduct and stated that "revocation is the appropriate penalty in this instance because Pitcher's conduct was directed at students of a tender age and continued over the course of thirteen years despite repeated admonitions by school administrators." (DAG Exceptions, p. 4).

Conversely, in her Exceptions, Pitcher argued that while the ALJ found that she had “engaged in discrete acts of inappropriate treatment of students,” her long-standing career filled with excellent evaluations and accolades merited a much less severe penalty than a two-year suspension of her certificates. (Pitcher Exceptions, pp. 1-3). Pitcher noted that the district treated these incidents as isolated events because it never imposed progressive discipline and she never had her increment withheld. (Pitcher Exceptions, p. 2). Pitcher argued that her behavior was not egregious and that it did not violate corporal punishment rules. (Pitcher Exceptions, pp. 3-6). She therefore argued that a two-year suspension of her certificates was “simply excessive.” (Pitcher Exceptions, p. 6).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of January 19, 2012, the Board reviewed the Initial Decision and Exceptions from both parties. After full and fair consideration of the Decision and submissions, the Board voted to adopt the Initial Decision, with modification as to penalty.

As noted above, ALJ Bass concluded that Pitcher’s behavior constituted conduct unbecoming a teaching staff member. (Initial Decision, slip op. at 15-16). The Board agrees. The Board disagrees with the ALJ, however, as to the consequences that Pitcher’s behavior merits. “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. Pitcher has clearly engaged in conduct that negates her status as a role model for students and, even worse, has acted to undermine students’ trust in relying on their teachers to make them feel safe and respected.

The Board is also well aware of Pitcher’s long and mostly untarnished career. Yet, her actions in humiliating and frightening her young students in front of their peers cannot and should not be lightly dismissed. Thus, when weighing these counterbalancing considerations, the Board

believes that a two-year suspension of Pitcher's certificates is too lenient a penalty. 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 case, there were repeated instances of excessive behavior that concerned the other adults around her. Moreover, Pitcher's argument that her discipline should be light because her conduct did not rise to the level of corporal punishment, speaks volumes about her dismissive attitude regarding the harm she has inflicted. It also reinforces the Board's belief that the only appropriate response to Pitcher's breach is revocation.

Accordingly, on January 19, 2012, the Board voted to adopt, with modification, the Initial Decision and ordered to revoke Pitcher's teaching certificates. On this 2nd day of April 2012, the Board of Examiners formally adopted its written decision to adopt, with modification, the Initial Decision in this matter, and it is therefore ORDERED that Judith Pitcher's Teacher of Nursery School and Teacher of Elementary School certificates be hereby revoked effective immediately. It is further ORDERED that Pitcher return her certificates 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 *N.J.S.A.* 18A:6-38.4.