

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
REGINA MILLER : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-104

At its meeting of December 12, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) and the Superior Court of New Jersey, Atlantic County regarding Regina Miller. The CHRU notified the Board that on July 10, 2014, Miller pled guilty to Theft By Deception for submitting falsified timesheets to the Pleasantville School District for services that she did not provide. Miller was sentenced to 364 days in county jail, three years' probation and ordered to forfeit her public employment. The CHRU notified the Board that, as a result of her conviction, Miller was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Miller currently holds a Teacher of Elementary School Certificate of Eligibility, issued in August 2004 and a School Psychologist certificate, issued in July 2011.

Miller did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of January 23, 2015 to issue Miller an Order to Show Cause why her certificates should not be revoked.

The Board sent Miller the Order to Show Cause by regular and certified mail on February 2, 2015. The Order provided that Miller must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Miller did not respond. Thereafter, on March 10, 2015, the Board sent Miller another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Miller filed an Answer on March 12, 2015.

In that Answer, Miller admitted that she pled guilty to Theft By Deception in the third degree. (Answer, p. 1). She added, however, that she did not submit falsified timesheets for tutoring services she did not provide to Pleasantville. (Answer, p. 1). Rather, Miller stated that she was not a direct employee of the district and was paid more than the hours she worked by her director, who had done that with other employees as well. (Answer, p. 1). Miller stated that she was told by her superior that those hours were

approved by *her* superior. (Answer, p. 1). Miller stated that when she was questioned by both the district and the state about the overages, she immediately provided the truth and offered to pay restitution. (Answer, p. 1). She added that the state did not give her any other option but to plead guilty to Theft By Deception. (Answer, p. 1). Miller added that the incident did not occur while she worked under either of her certificates and that she was currently cooperating with the state in its case against her supervisor. (Answer, p. 1). Miller noted that she was very serious about both of her certificates and would never do anything to compromise them. (Answer, p. 1). She added that “in both my career as a teacher and as a school psychologist, my performance speaks to both my work ethic and integrity.” (Answer, p. 1). Miller also asked to appear before the Board.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on March 31, 2015, the Board sent Miller a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Miller 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 disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Miller was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Miller did not respond to the Notice. Miller also did not appear for her hearing before the Board, even though it was rescheduled several times at her request.

The threshold issue before the Board in this matter is whether Miller’s conduct and her conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of September 17, 2015, the Board considered the allegations in the Order to Show Cause, as well as Miller’s Answer. The Board determined that no material facts related to Miller’s offense were in dispute since she

never denied that she had been convicted of the offense charged and been subsequently disqualified. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h).

The Board must now determine whether Miller's conviction and resulting disqualification, 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-4.5. 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 a danger. Individuals convicted of a crime such as Theft By Deception fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this matter, Miller's conviction for Theft By Deception resulted in a jail term and the forfeiture of her public employment. Although Miller may have many accomplishments as an educator, the fact remains that she has a serious conviction. That conviction clearly demonstrates behavior that falls far short of a role model.

The 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 Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in 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 and the Commissioner consider Miller's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on September 17, 2015, the Board voted to revoke Regina Miller's Teacher of Elementary School Certificate of Eligibility and her School Psychologist certificate. On this 30th day of October 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Regina Miller's certificates be effective immediately. It is further ORDERED that Miller 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

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*.