

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
KENYADA A. MITCHELL : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1516-200

At its meeting of May 20, 2016, the State Board of Examiners (Board) reviewed information it had received from the State-Operated School District of the City of Newark (OFAC) regarding Kenyada A. Mitchell, a teacher in district. Newark had certified tenure charges against Mitchell, alleging unbecoming conduct, corporal punishment and other just cause. On March 22, 2016, the Arbitrator assigned to the case pursuant to *N.J.S.A.* 18A:6-16 approved a settlement, in which Mitchell agreed to resign from his tenured employment with Newark, effective April 1, 2016. The Arbitrator referred the matter to the New Jersey State Board of Examiners (Board). *In the Matter of the Tenure Charges Against Kenyada Mitchell*, Dkt. No. 345-10/15 (Arbitrator's Decision, March 22, 2016).

In the tenure charges, which are incorporated herein by reference, the district alleged that, on January 31, 2014, Mitchell had thrown a pencil at a student, T.J., hitting him the eye. T.J. had been disruptive in class, throwing objects. When T.J.'s pencil fell and rolled on the floor, Mitchell picked it up and threw it at T.J., thereby injuring him. After he was struck, T.J. began to cry and complain of pain in his eye. His eye also began to bleed. T.J. went to the school nurse who noted that his eye was red and painful. T.J. also received treatment at Beth Israel Hospital where he was diagnosed with a subconjunctival hemorrhage to his left eye. Mitchell failed to appear at a meeting the district scheduled to discuss the incident and provided no explanation for his absence.

Newark also alleged that on April 16, 2012, Mitchell approached a female student, D.W., who had worn a skirt to school that day and told her, “if you were to bend over, I would be able to see your ass.” Mitchell also asked D.W. for her cell phone number and asked her to come over and help him furnish his new apartment. On another occasion, Mitchell told D.W., during class, that “[he] can’t wait for [her] to graduate so [he] can hit that.”

Newark further alleged that, on April 11, 2012, student R.M. went to Mitchell’s class during a break to obtain a library book. Mitchell instructed R.M. to come back after school to do some make up work. After R.M. agreed, Mitchell asked her for her cell phone number. He also asked R.M. to come over to his house and help him clean it. Mitchell offered R.M. money for her services but she declined his offer. On other occasions, Mitchell made comments to R.M. about her breasts and buttocks that made her feel uncomfortable.

The district also claimed that, in March 2012, Mitchell approached student N.C. in the school gym, sat next to her and asked for her cell phone number. Mitchell then asked to see N.C.’s cell phone and used her phone to make a call to his cell phone. Later that day, Mitchell called N.C. on her cell phone to ask if she had called him. N.C. said “no” and ended the call. Mitchell then approached N.C. later that day and asked for her cell phone number again. N.C. told Mitchell her phone was off and he then asked her why she had not paid her bill and how much it was. N.C. responded that she did not know and walked away from Mitchell.

Mitchell currently holds a Teacher of Social Studies Certificate of Eligibility with Advanced Standing and a Teacher of Social Studies certificate. Upon review of the above information, the Board voted at its meeting of June 23, 2016 to issue Mitchell an Order to Show Cause as to why his certificates should not be revoked.

After securing a current address for Mitchell, the Board sent him the Order to Show Cause by regular and certified mail on June 28, 2016. The Order provided that Mitchell must file an Answer within 30 days. Mitchell filed an Answer on July 26, 2016.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On January 3, 2018, the Administrative Law Judge assigned to the case returned it to the Board after Mitchell failed to appear for a scheduled hearing. Pursuant to *N.J.A.C.* 1:1-3.3, the ALJ had provided Mitchell with 13 days to submit an explanation for his nonappearance. Mitchell did not submit an explanation or otherwise respond to that notice. At its meeting of March 1, 2018, the Board voted not to retransmit the matter to OAL. Unbeknownst to the Board, before or simultaneous to the matter being transmitted from OAL, Mitchell had submitted a proposed consent order. On March 20, 2018, the Board sent Mitchell a notice by regular and certified mail providing him an additional 15 days to respond as to whether he wanted his proposed settlement considered or, in the alternative, an explanation of why the Board should consider his previously submitted Answer considering his failure to appear. The Board also advised Mitchell that if he did not respond, his Answer would be stricken from the record and the allegations in the Order to Show Cause would be deemed admitted. The certified mail copy was returned as "Not Deliverable as Addressed" and the regular mail copy was not returned. In April 2018, Mitchell then called the Board office and asked that his proposal be considered. On May 18, 2018, the Board sent Mitchell notice by certified and regular mail that the dates in his proposed consent order had expired and that he had not responded to numerous phone calls in order to update the proposal. Mitchell was provided 20 days to respond. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Mitchell did not respond to the notice.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on August 6, 2018, the Board sent Mitchell a hearing notice by regular and certified mail. Mitchell 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. Mitchell was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was returned as “Return to Sender-Attempted-Unable to Forward” and the regular mail copy was not returned. Once again, Mitchell did not respond. Thereafter, due to the Board’s inability to obtain a current address for Mitchell, on October 10, 2018, the Board published the notice in the newspaper. Mitchell did not respond to the published notice.

The threshold issue before the Board in this matter is whether Mitchell’s conduct as outlined in the tenure charges and incorporated in the Order to Show Cause constitutes conduct unbecoming a certificate holder or other just cause. Since Mitchell did not appear at his hearing, and his Answer was subsequently stricken from the record, at its meeting of March 8, 2019, the Board considered only the allegations in the Order to Show Cause. Moreover, since Mitchell is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Thus, since no material facts related to Mitchell’s offense were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h). After reviewing the allegations, the Board found that Mitchell had engaged in unbecoming conduct.

The Board must now determine whether Mitchell'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-4.5. 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. 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 case, the record established that, on multiple occasions, Mitchell made inappropriate comments to female students, thereby making them feel uncomfortable. In his latest infraction, Mitchell threw a pencil at a student, injuring him and causing his eye to bleed. Mitchell's conduct falls far short of that expected of a role model and the Board believes that the only appropriate response to his breach is the revocation of his certificates.

Accordingly, on March 8, 2019, the Board voted to revoke Kenya A. Mitchell's Teacher of Social Studies Certificate of Eligibility with Advanced Standing and his Teacher of Social Studies certificate. On this 12th day of April 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Mitchell's certificates be effective immediately. It is further ORDERED that Mitchell 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.

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Rani Singh, Acting Secretary  
State Board of Examiners

RS/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.