

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JANEEN M. THOMAS : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-109

At its meeting of September 15, 2017, the State Board of Examiners (Board) reviewed information the Criminal History Review Unit (CHRU) and the Commonwealth of Pennsylvania had submitted regarding Janeen M. Thomas. On April 7, 2017, Thomas pled guilty to a third degree charge of Criminal Mischief and was sentenced to 10 days' incarceration and fined. The CHRU notified the Board that, as a result of her conviction, Thomas was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Thomas also had multiple arrests and convictions for various offenses, including Theft of Services, Theft By Unlawful Taking-Movable Property, Identity Theft and Simple Assault. Thomas currently holds Teacher of Elementary School in Grades K-6 and Teacher of Students with Disabilities Certificates of Eligibility with Advanced Standing. Upon review of the above information, the Board voted at its meeting of November 1, 2017 to issue Thomas an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Thomas the Order to Show Cause by regular and certified mail on November 2, 2017. The Order provided that Thomas must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Thomas did not respond. On December 11, 2017, the Board sent Thomas another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Thomas filed an Answer on January 8, 2018.

In her Answer, Thomas admitted that she was accepted into the Burlington County Drug Court program for her Criminal Mischief charge. (Answer, ¶ 2). She stated that the charge resulted from a motor vehicle incident where she was driving while intoxicated. (Answer, ¶ 2). Thomas also emphasized that the Drug Court program had four phases and that it could be completed in 18 months. (Answer, ¶ 2). She added that she had been in compliance with all Drug Court requirements, drug testing, monitoring and Intensive Outpatient treatment, as well as individual counseling. (Answer, ¶ 2). Thomas added that she was in Phase 2 of the program and scheduled to begin Phase 3 in February 2018. (Answer, ¶ 2). She noted that she had been struggling with alcoholism since 2007 and had sought treatment previously, in 2010 and 2015. (Answer, ¶ 2). She stated that she was sober, gainfully employed and seeking to further her education. (Answer, ¶ 2). Thomas added that her younger sister had died in 2015 from addiction and that she did not handle it well and drank.

(Answer, ¶ 3). As a result, she made some bad decisions which resulted in some arrests and charges. (Answer, ¶ 3). Thomas argued that her certificates should not be revoked “due to my protected status under the American Disabilities Act, compliance with the strict program of Burlington County Drug Court, and the situations surrounding my arrests.” (Answer, ¶ 4). She added that she had never put a child in harm’s way. (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 12, 2018, the Board sent Thomas a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Thomas 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. Thomas was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time, Thomas responded on September 20, 2018.

In that response, Thomas indicated that she wished to appear before the Board and would submit further documents as soon as she collected them. On November 24, 2018, Thomas provided an additional submission which included letters from her Drug Court probation officer and her therapist from her Intensive Outpatient program. Thomas also indicated that when she completes the Drug Court program, her charges would be expunged. (Hearing Response, p. 1). She added that she agreed to Drug Court so that she could stay sober “in order to lead a productive, healthy life.” (Hearing Submission, p. 1). She also noted that she had worked hard to become a teacher and did not want to lose her certifications as a result of misconduct that occurred during her active addiction. (Hearing Response, p. 1).

In her testimony before the Board, Thomas stated that she has been in a 10-year struggle with alcohol addiction and has been sober for almost two years. She noted that she was now in Phase IV of her Drug Court program and would likely be completing it early. Thomas added that she understood that as an educator, she was a role model and that her behavior when she was not sober did not meet that standard. She claimed that she had relapsed when her sister died and that she was now in therapy and planned to continue with her treatment and rehabilitation. Thomas asked the Board to suspend, rather than revoke her certificates as she had worked hard for them.

The threshold issue before the Board in this matter is whether Thomas' convictions and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of June 28, 2019, the Board considered the allegations in the Order to Show Cause as well as Thomas' Answer, Hearing Response and testimony. The Board determined that no material facts related to Thomas' offense were in dispute since she admitted that she had pled guilty to the offenses charged. 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 Thomas' convictions 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-4.4*. 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 inappropriate role models for them. Individuals such as Thomas, convicted of a crime involving Criminal Mischief, 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 exemplars 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 instance, Thomas' conviction 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 herself out as a teacher. Thus, because the Legislature and the Commissioner consider Thomas' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Furthermore, notwithstanding Thomas' contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate

circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” See *In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 N.J.A.R. 2D (EDE) 1, 16 *aff’d*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Thomas is complying with her court-ordered drug rehabilitation program, while a step in the right direction, has no bearing on the decision the Board must make with regard to her certification.

Accordingly, on June 28, 2019, the Board voted to revoke Janeen M. Thomas’ Teacher of Elementary School in Grades K-6 and Teacher of Students with Disabilities Certificates of Eligibility with Advanced Standing. On this 1st day of August 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Thomas’ certificates be effective immediately. It is further ORDERED that Thomas return her 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.

Rani Singh, Acting Secretary
State Board of Examiners

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.