

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MEGHAN A. SMITH : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1718-275

At its meeting of September 21, 2018, the State Board of Examiners (Board) reviewed information the Essex County Prosecutor’s Office and the Office of Student Protection (OSP), formerly the Criminal History Review Unit (CHRU), provided regarding Meghan A. Smith. On May 5, 2015, Smith was indicted for 3<sup>rd</sup> degree Theft by Unlawful Taking following allegations that she stole jewelry, some valued at over \$10,000 from her then-employer. On February 13, 2018, Smith pled guilty to the charge. On June 4, 2018, she was sentenced to five years’ probation, ordered to pay restitution in the amount of \$19,197.00, perform community service and fined. The CHRU notified the Board that, as a result of her conviction, Smith was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Smith currently holds a Teacher of Social Studies Certificate of Eligibility and a Teacher of Social Studies Certificate.

Smith 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 November 1, 2018 to issue Smith an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Smith the Order to Show Cause by regular and certified mail on November 7, 2018. The Order provided that Smith had 30 days to respond. After receiving an extension of time, Smith filed a response on February 28, 2019.

In her Answer, Smith admitted to her conviction but noted that she was in the process of completing her court-ordered probation and in the process of paying full restitution. (Answer, ¶ 2). She requested a period of suspension so she could complete her probation. (Answer, ¶ 2). Smith asked the Board to recognize her deep and serious remorse and her many years as a “highly valued” teacher in good standing. (Answer, ¶ 4). She added that her conduct did not take place while she was employed as a teacher in New Jersey and did not involve any student or school. (Answer, ¶ 4). She also noted that this was the only legal charge she had ever had in her lifetime. (Answer, ¶ 4). Smith also asked to appear before the Board. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 9, 2019, the Board sent Smith a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Smith

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 offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Smith 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. Smith did not file a response nor did she notify the Board that she wished to appear for a hearing as previously indicated in her Answer.

The threshold issue before the Board in this matter is whether Smith's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of August 1, 2019, the Board considered the Order to Show Cause, the information received from the Prosecutor's Office, the OSP, and Smith's Answer. The Board concluded that no material facts related to Smith's offense were in dispute since she admitted that she engaged in the conduct alleged and had been convicted. The Board therefore 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 Smith had engaged in unbecoming conduct.

The Board must now determine whether Smith'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-4.4*. 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 a poor example for them. Individuals convicted of crimes such as Theft by Unlawful Taking 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 instance, Smith's 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 himself out as a teacher. Thus, because the Legislature and the Commissioner consider Smith's offenses so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on August 1, 2019, the Board voted to revoke Meghan A. Smith's Teacher of Social Studies Certificate of Eligibility and her Teacher of Social Studies certificate. On this 19th day of September 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that Smith's certificates be revoked, effective immediately. It is further ORDERED that Smith 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.

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Rani Singh, Acting Secretary  
State Board of Examiners

**Date of Mailing:**  
**By 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.