

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRITTANY WITKOWSKI : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-151

At its meeting of January 23, 2020, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the New York State Department of Education (New York) forwarded regarding Brittany Witkowski. In June 2018, Witkowski surrendered her New York educator license(s) after she pled guilty to Grand Larceny (2nd degree).

In New Jersey, Witkowski currently holds a Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing. Upon review of the above information, at its February 28, 2020 meeting, the Board voted to issue Witkowski an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Witkowski the Order to Show Cause by regular and certified mail on March 3, 2020. The Order provided that Witkowski had 30 days to respond. The certified mail copy was signed, and the regular mail copy was not returned. Witkowski did not file a response. On June 3, 2020, the Board sent another notice of the Order via certified and regular mail. Witkowski again did not respond. The certified mail copy was signed, and the regular mail copy was not returned.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on July 22, 2020, the Board sent Witkowski a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Witkowski 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 Witkowski's offense warranted action against her certificates. Thereupon,

the Board would also determine the appropriate sanction, if any. Witkowski 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. Once again, Witkowski did not file a response.

The threshold issue before the Board in this matter is whether Witkowski's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Witkowski failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of October 29, 2020, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and New York. The Board concluded that no material facts related to Witkowski's offense were in dispute since she never denied that she engaged in the conduct alleged. Thus, 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 Witkowski engaged in unbecoming conduct.

The Board must now determine whether Witkowski's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9B-4.4. 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, 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). Witkowski's conviction for Grand Larceny (2nd degree), as well as surrendering her New York certificate(s) is clearly conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificates.

Accordingly, on October 29, 2020, the Board voted to revoke Brittany Witkowski's Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing. On this 10th day of December 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Witkowski's certificates be effective immediately. It is further ORDERED that Witkowski 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, Secretary
State Board of Examiners

RS/KG/rg

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.