

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF	:	STATE BOARD OF EXAMINERS
ELIZABETH PEARCE	:	ORDER OF REVOCATION
_____	:	DOCKET NO: 1718-245

At its meeting of April 13, 2018, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Pennsylvania Professional Standards and Practices Commission (Pennsylvania) had forwarded regarding Donna Pearce. On October 24, 2017, Pearce surrendered her Pennsylvania teaching certificates following allegations that she was convicted of Harassment and two separate incidents of driving under the influence in 2014 and 2016.

In New Jersey, Pearce currently holds a Teacher of Music Certificate. Upon review of the above information, at its September 19, 2019 meeting, the Board voted to issue Pearce an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Pearce the Order to Show Cause by regular and certified mail on November 27, 2019 after obtaining a corrected address. The Order provided that Pearce had 30 days to respond. The certified mail copy was signed and the regular mail copy was not returned. Pearce did not file a response. On January 8, 2020, the Board sent another notice of the Order via certified and regular mail. Pearce 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 January 29, 2020, the Board sent Pearce 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, Pearce 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 Pearce's offense warranted action against her certificates. Thereupon, the

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

The threshold issue before the Board in this matter is whether Pearce's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Pearce 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 June 26th, 2020, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and Pennsylvania. The Board concluded that no material facts related to Pearce's offense were in dispute since she never denied that she had 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 Pearce engaged in unbecoming conduct.

The Board must now determine whether Pearce'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). Pearce's actions in being convicted of harassment, driving under the influence on 2 separate occasions and surrendering her Pennsylvania certificate 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 June 26th, 2020, the Board voted to revoke Elizabeth Pearce's Teacher of Music Certificate. On this 30th day of July 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Pearce's certificates be effective immediately. It is further ORDERED that Pearce 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

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.