

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JENNIFER N. TUBENS : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 2021-149

At its meeting of April 1, 2021, the State Board of Examiners (Board) reviewed information the Burlington County Prosecutor's Office and the Office of Student Protection (OSP) forwarded regarding Jennifer N. Tubens (Tubens). On January 31, 2020, Tubens received an Order of Postponement and was entered into the Pre-Trial Intervention program for a period of 24 months, along with other conditions, because of a January 14, 2020 Indictment for Endangering the Welfare of a Child (3rd degree) and Child Abuse (4th degree). Tubens was also charged with motor vehicle violations including Operating Under the Influence, Reckless Driving, Careless Driving, Traffic on Marked Lanes, Failure to Use Car Seat and No Liability Insurance on a Motor Vehicle.

The Indictment stems from allegations that Tubens operated a motor vehicle while intoxicated with a 4-year-old in the car, leading to a collision and causing injury to the child. Moreover, the child was not properly restrained in the vehicle.

Tubens currently holds Teacher of Spanish Certificate of Eligibility, Teacher of Elementary Grades K-8 Certificate of Eligibility, and Teacher of Preschool-Grade 3 Certificate of Eligibility. Upon review of the above information, at its May 13, 2021 meeting, the Board voted to issue Tubens an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Tubens the Order to Show Cause by regular and certified mail on May 20, 2021. The Order provided that Tubens had 30 days to respond. On June 2, 2021, Tubens submitted an Answer via electronic filing. The Answer confirmed that the charges in the Order to Show Cause were given on the day of the accident, but the Driving Under the Influence was later downgraded to Reckless Driving. Tubens acknowledged that there was a child in the car on the day of the accident. She indicated it was her birthday and that she and the child's mother did not use proper judgment allowing the child into the car with her. She admits she should have known better, especially using the seat belt alone for the child without

a proper car seat. She further admitted the child had a minor bruise on his cheek and forehead after the accident. She states the accident and driving intoxicated was an isolated incident. She regrets her actions.

Pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 13, 2021, the Board sent Tubens a hearing notice by regular and certified mail. The notice explained that no material facts were in dispute. Thus, Tubens 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 Tubens's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Tubens was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as "Unclaimed", and the regular mail copy was not returned. Tubens did not file a response.

The threshold issue before the Board in this matter is whether Tubens's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of December 16, 2021, the Board considered the allegations in the Order to Show Cause as well as Tubens' Answer. The Board determined that no material facts related to Tubens' offense were in dispute since she admitted the conduct. 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 Tubens'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). Tubens's actions of driving under the influence with a child in the car, especially without the child being properly restrained, clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is a four (4) year suspension of her certificates.

Accordingly, on December 16, 2021, the Board voted to suspend Jennifer Tubens's Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing, Teacher of Students with Disabilities Certificate of Eligibility with Advanced Standing, Teacher of Spanish Certificate of Eligibility with Advanced Standing, Teacher of Elementary School in Grades K-8, Teacher of Students with Disabilities, and Teacher of Spanish certificates for a period of four (4) years. On this 21<sup>st</sup> day of January 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that Tubens's certificates are hereby suspended for a period of four (4) years, effective immediately. It is further ORDERED that Tubens 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, 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.