

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
ELSHAIMAA M. YOUSSEF : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-154

At its meeting of February 28, 2020, the State Board of Examiners (Board) reviewed information it received from the Department of Children and Families (DCF), Institutional Abuse Investigation Unit (IAIU) and the Office of Student Protection (OSP) regarding Elshaimaa M. Youssef. On July 24, 2018, Youssef was charged with Endangering the Welfare of a Child and Simple Assault after she allegedly covered a child's mouth to the point where the child could not breathe and bit the child on the forehead. On March 7, 2019, Youssef received Pre-Trial Intervention for a period of 36 months because of these charges. She was ordered to attend and complete parenting classes, anger management classes, and individual counseling.

After seeking further information, the Board reviewed the DCF investigative file. DCF found that the allegation of physical impairment is substantiated. There is a preponderance of evidence indicating that the child was abused or neglected and a child's safety requires separating the child from the perpetrator.

Youssef currently holds a substitute credential that expires in July 2023. Upon review of the above information, the Board voted at its meeting of May 14, 2020 to issue Youssef an Order to Show Cause as to why her credential should not be revoked.

The Board sent Youssef the Order to Show Cause by regular and certified mail on June 2, 2020. The Order provided that Youssef must file an Answer within 30 days. Youssef filed an Answer on or about July 14, 2020.

The Answer indicated that Youssef received PTI because of her prior clean record. She completed the program successfully and had her PTI terminated early. She will be able to expunge her records. She further states that she completed anger management, individual counseling, and family counseling. She has custody of all her children. She states she could not hire counsel because she is the sole provider for her children with no income and her husband is in prison.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On August 25, 2021, Youssef sent the assigned Administrative Law Judge (ALJ) a letter which indicated she was “no longer interested in regaining [her] license.” Accordingly, the OAL returned the file to the Board. On October 6, 2021, the Board sent Youssef a letter with a draft relinquishment affidavit for her consideration considering her statement in the letter to the ALJ. The Board did not receive a response.

Since there was no response to its October 6, 2021 letter and the matter was returned to the Board from OAL, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 10, 2021, the Board sent Youssef a hearing notice by regular and certified mail. Youssef 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 about the appropriate sanction if the Board found just cause to take action against her credential. Youssef was also offered the opportunity to appear before the Board to provide testimony on the sanction issue.

Youssef submitted a response, indicating that she was sick and had no assistance at home when she received the October 6, 2021 letter. She was unable to respond due to these conditions and did not have the option of a family member to assist her in the process. She hopes that the Board understands and would “appreciate it if this process doesn’t escalate any further, as [she] had fair reason for [her] inability to respond.” The response did not indicate whether she would like a hearing on this matter. Accordingly, the Board provided her with another twenty (20) days to respond, but no response was received.

The threshold issue before the Board in this matter is whether Youssef’s conduct in covering a child’s mouth and biting the child on the forehead, being charged with Endangering the Welfare of a Child and Simple Assault, along with substantiated abuse finding by IAIU, constitute conduct unbecoming a certificate holder or other just cause. Since Youssef abandoned her defense and the file was returned to the Board, Youssef’s Answer was subsequently stricken from the record. At its meeting of January 21, 2022 the Board considered only the allegations in the Order to Show Cause. Moreover, since Youssef is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Thus, since no material facts related to Youssef’s conduct is in dispute, 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 Youssef engaged in unbecoming conduct.

The Board must now determine whether Youssef's conduct, as set forth in the Order to Show Cause, represents just cause to act against her credential pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that they do.

The Commissioner's long-standing belief is 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, Youssef's conduct charge of Endangering and Simple Assault, with substantiated abuse by IAIU, falls far short of a role model. Accordingly, the Board believes that the only appropriate sanction in this case is the revocation of her credential.

Accordingly, on January 21, 2022, the Board voted to revoke Elshaimaa M. Youssef's substitute credential. On this 4th day of March 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Youssef's credential be effective immediately. It is further ORDERED that Youssef return her credential 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/KAG/cf

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.