

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KELLY ANN HOWLEY : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-160

At its meeting of May 13, 2021, the State Board of Examiners (Board) reviewed information it received from the National Association of State Directors of Teacher Education and Certification and the Commonwealth of Pennsylvania Professional Standards and Practices Commission (Commission) regarding Kelly Ann Howley (Howley).

On June 3, 2019, the Pennsylvania Department of Education (PADOE) filed charges with the Commission alleging that Howley falsified forms for therapeutic support services and received income she did not earn. On August 13, 2019, PADOE filed amended charges with the Commission alleging Howley submitted false information to the PADOE and Bristol Township School District on various professional forms. On October 11, 2019, the Commission approved a settlement agreement between Howley and the PADOE which resolved the charges with an indefinite suspension of her Pennsylvania educator certificate(s).

Howley currently holds a Teacher of Elementary Grades K-6 Music Certificate of Eligibility with Advanced Standing. Upon review of the above information, the Board voted at its meeting of June 25, 2021 to issue Howley an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Howley the Order to Show Cause by regular and certified mail on June 29, 2021. The Order provided that Howley must file an Answer within 30 days. Howley filed an Answer.

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 26, 2022, the Administrative Law

Judge assigned to the case returned it to the Board after Howley failed to appear for a scheduled hearing on August 22, 2022. Pursuant to *N.J.A.C.* 1:1-3.3, the ALJ provided Howley with 13 days to submit an explanation for her nonappearance. Howley did not submit an explanation or otherwise respond to that notice. At its meeting of September 16, 2022, the Board voted to retain the matter.

On September 20, 2022, the Board sent Howley a notice by regular and certified mail providing her with an additional 15 days to respond before her Answer would be stricken from the record and the allegations in the Order to Show Cause would be deemed admitted. Howley responded to that notice by indicating that she was ill during the OAL hearing and wished to pursue the matter. Accordingly, on November 28, 2022 the Board returned the matter to OAL as a courtesy due to her illness.

On February 27, 2023, the Board received notice from OAL that Howley again failed to appear for a conference on February 8, 2023. The Board sent Howley a letter advising that it would offer no further courtesies in this matter and deemed it appropriate to proceed with this matter. The Answer was stricken from the record.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on April 4, 2023, the Board sent Howley a hearing notice by regular and certified mail. Howley 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 certificate. Howley was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was returned as “unclaimed”, and the regular mail copy was not returned. Howley did not respond.

The threshold issue before the Board in this matter is whether Howley’s falsification of forms for therapeutic support services constitutes conduct unbecoming a certificate holder or other just cause. Since

Howley did not appear at her hearings, and her Answer was subsequently stricken from the record, at its meeting of June 29, 2023, the Board considered only the allegations in the Order to Show Cause. Moreover, since Howley 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 Howley'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 Howley engaged in unbecoming conduct.

The Board must now determine whether Howley's conduct, as set forth in the Order to Show Cause, represents just cause to act against her certificate 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, Howley's falsification of forms for therapeutic support services and receipt of income she did not earn falls far short of a role model. Accordingly, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on June 29, 2023, the Board voted to revoke Kelly Ann Howley's Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing. On this 4th day of August 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that the

revocation of Howley's certificate be revoked effective immediately. It is further ORDERED that Howley return her certificate 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.