

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
TAMARA E. KAPLAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2122-143

At its meeting of March 4, 2022, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) regarding Tamara E. Kaplan. From 1995 to 2013, Kaplan was arrested six (6) times, had two (2) indictments, and four (4) convictions. On August 27, 1996, Kaplan was convicted of Manufacturing/Distribution Controlled Dangerous Substance (CDS) – Heroin.

On November 4, 2021, Kaplan applied for a substitute credential. As part of the application process, Kaplan was required to disclose all criminal convictions. She did not disclose any convictions or arrests at the time of her application or thereafter. Nevertheless, after the substitute credential was issued, the Board was notified by the OSP that following completion of fingerprints for employment, because of her convictions, Kaplan is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Kaplan did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of April 7, 2022, to issue Kaplan an Order to Show Cause as to why her credential should not be revoked.

The Board sent Kaplan the Order to Show Cause by regular and certified mail on April 12, 2022. The Order provided that Kaplan had 30 days to respond. The certified return receipt card was “unclaimed”, and the regular mail was not returned. On August 3, 2022, the Board sent Kaplan another notice by certified and regular mail providing her an additional 15 days to respond

to the Order to Show Cause. The Board received the certified return receipt card, and the regular mail was not returned. Kaplan did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on September 21, 2022, the Board sent Kaplan 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, Kaplan 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 regarding the appropriate sanction if the Board found just cause to take action against her credential. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. Kaplan was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified return card was “unclaimed,” and the regular mail copy was not returned. Kaplan did not file a response.

The matter was scheduled for a hearing on the papers at the Board’s January 26, 2023 meeting. Shortly before the meeting, Kaplan contacted the Board and requested to file an Answer. Kaplan was permitted to file an Answer. The Answer confirmed that she was convicted of the crimes in the Order to Show Cause. Kaplan explained that the crimes occurred many years ago and that experience has made her the person she is today. She did not explain why she failed to disclose the conviction with her application.

Pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 24, 2023, the Board sent Kaplan a hearing notice by regular and certified mail. Again, the notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of the contents of her submitted Answer. Thus, Kaplan 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 regarding the appropriate sanction in the event that the Board found just cause to take action against her credential. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. Kaplan was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Kaplan did not file a response and did not appear for a hearing.

The threshold issue before the Board in this matter is whether Kaplan's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of May 18, 2023, the Board considered the allegations in the Order to Show Cause as well as Kaplan's Answer. The Board determined that no material facts related to Kaplan's offense were in dispute since she did not deny that she engaged in the conduct alleged in the Order to Show Cause and she was convicted. 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 Kaplan's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her credential pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

In enacting the OSP review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be inappropriate role models for them. Individuals such as Kaplan, convicted of a crime involving possession of a controlled dangerous substance, fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as exemplars 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, Kaplan’s conviction demonstrates behavior that falls short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Because the Legislature and the Commissioner consider Kaplan’s offense so significant, and the Board must render its determination within the confines of her disqualification, the Board believes that the only appropriate sanction in this case is the revocation of Kaplan’s credential.

Accordingly, on May 18, 2023, the Board voted to revoke Tamara Kaplan’s substitute credential. On this 29<sup>th</sup> day of June 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that Kaplan’s credential is hereby revoked, effective immediately.

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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.