

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
COURTNEY BULLEN : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1920-185

At its meeting of May 14, 2020, the State Board of Examiners (Board) reviewed information it received from the Norwood Public School District (Norwood) regarding Courtney Bullen. On or about December 31, 2019, Bullen resigned her employment with Norwood after being accused of neglecting her duty to supervise students, leaving students unattended on multiple occasions, neglecting her duty to inform the administration that the students were unsupervised, submitting duplicate timesheets for the same work, and representing that she performed certain duties when she was actually absent. She also allegedly provided tutoring services to a student in her class in violation of District policy.

Bullen currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing and a Teacher of Music certificate. After reviewing the above information, at its June 26, 2020 meeting, the Board voted to issue an Order to Show Cause (OSC) to Bullen as to why her certificates should not be revoked.

The Board sent Bullen the OSC by regular and certified mail on July 1, 2020. The OSC provided that Bullen must file an Answer within 30 days. Bullen responded on July 22, 2020. In her Answer, Bullen denied the truth of the allegations in the tenure charges. *See Answer at ¶ 2-5.* She further stated that just cause did not exist for the revocation of her certificates. *Id.* at ¶ 8.

Since there were material facts in dispute, on August 11, 2020, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. The Deputy Attorney General (DAG) representing the Board moved for summary decision on October 21, 2021. Administrative Law Judge (ALJ) Ernest M. Bongiovanni denied the motion on March 10, 2022. On October 30, 2023, the ALJ issued an Initial Decision in the case. *In the Matter of the Certificates of Courtney Bullen*, Dkt. No. EDE 07506-20 (Initial Decision, October 30, 2023).

After reviewing the testimony and the record, the ALJ made findings as to three categories of conduct: (1) Failure to Supervise (leaving students unattended and neglecting to inform the school they were left unattended); (2) Tutoring Violations; and (3) Submitting Duplicate Timesheets (and/or misrepresenting performance of duties while absent). *Ibid.* First, the ALJ found that the Board failed to prove that Bullen was habitually late or habitually cancelled her classes or that she failed to timely inform the students and parents that the January 31, 2019 class was cancelled. *Id.* at 5. Thus, the ALJ found that Bullen did not fail to supervise her students. *Ibid.*

Second, with regard to tutoring, the ALJ found that, although Bullen technically violated the prohibition against using the school facilities, she had no intention to deliberately violate the policy. *Id.* at 9, 10. The ALJ found that it was negligent of Bullen to not ask the Superintendent to interpret the policy and get permission first. *Id.* at 10.

Third, as to the submission of duplicate timesheets, the ALJ found that Bullen was overpaid \$1,461 which she repaid shortly after being notified by the District. *Id.* at 15. The ALJ stated he could not find that Bullen's overbilling indicated intentional fraudulent conduct because her

explanations for the billing errors were more than merely plausible but reasonable and credible. *Id. at 15, 16.*

The ALJ also found that Bullen worked for more than seven years without disciplinary action, other than a warning to not tutor students using school facilities again. *Id. at 15-16.* Further, prior to her resignation, Bullen “had been an effective dedicated teacher of apparently good moral character.” *Id. at 16.*

Based on these findings, the ALJ concluded that Bullen neglected her duties in not following the district policy on tutoring by neglecting to seek advice from her then superintendent about the policy, *id. at 16*, and was negligent in making a number of billing mistakes. *Id. at 17.* The ALJ did not find, however, that Bullen was guilty of conduct unbecoming a teacher or insubordination. *Ibid.* After reviewing numerous cases involving either a dismissal or a penalty less than revocation issued, the ALJ determined that a two-month suspension of Bullen’s certificates is warranted. *Id. at 19-20.* He agreed with Bullen that the extreme penalty of revocation when no harm to the students or parents occurred, and where the District was repaid as necessary, would send the wrong signal that there is no room for error. *Id. at 19.* The ALJ further found “that treating the timesheet and tutoring rules errors here with compassion understanding and forgiveness for a teacher with a proven record of effectiveness and dedication to her pupils and who owns up to her mistakes is appropriate and that revocation would be unjustly punitive.” *Ibid.*

The DAG representing the Board filed Exceptions to the ALJ’s Initial Decision. Bullen filed a Reply to Exceptions. In the Exceptions, the DAG argues that the ALJ made a number of incorrect factual findings and that the ALJ erred in accepting Bullen’s explanations as mitigating

factors for her admitted conduct. *See* Exceptions at p. 2-3. Further, the DAG argues that the ALJ's determination that Bullen's behavior does not warrant revocation is an error. *Id.* at 3.

With regard to Bullen failing to supervise the students, the DAG argues that the ALJ incorrectly concluded that an independent contractor, Ann Van Cleave, was a qualified individual that could be left in charge of pupils without a teacher present. *Id.* at 4. The superintendent testified that Van Cleave was not a qualified individual pursuant to district policy. *Id.* Next, the DAG argues that Bullen's repeated acceptance of erroneous payments for duties she didn't perform, partially performed, or was already paid for warranted the revocation of her certificates. *Id.* at 7. Further, the DAG asserts the ALJ incorrectly adopted as fact Bullen's explanations for her repeated submissions of duplicate timesheet entries as they should have been rejected as inherently incredible. *Id.* at 9, 11. The DAG also argues that the ALJ incorrectly found that Bullen's first violation of district policy regarding tutoring students was mitigated by evidence Bullen was previously approved to use district facilities to provide tutoring. *Id.* at 15. Lastly, the DAG asserts the ALJ also incorrectly found that Bullen's second violation of district policy was mitigated because she was tutoring a student in a subject matter not covered by the class. *Id.* at 16-17.

Bullen, in her Reply to Exceptions, argues that the DAG "simply reiterates evidence that is neither preponderate nor credible" and cites distinguishable cases in support of a revocation. *See* Reply to Exceptions, at p. 1. Bullen requests that the Board adopt the ALJ's decision to suspend Bullen's certificates for two months. *Id.* at 2.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of January 19, 2024, the Board reviewed the Initial Decision and the

Exceptions. After full and fair consideration of the Decision and Exceptions, the Board voted to adopt the Initial Decision and accept the ALJ's recommended penalty of a two-month suspension.

The Board'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. A "violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct" may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)) (internal quotation marks omitted). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960) (internal quotations and citations omitted); *see also Bound Brook Bd. of Educ.*, 228 N.J. at 13.

As noted above, after reviewing the record, the ALJ concluded that the record established that Bullen neglected her duties in not following the district policy on tutoring by failing to seek advice from her then-superintendent about the policy, and that she was negligent in making billing mistakes. The Board finds that Bullen's conduct does not comport with "role model" behavior. Nevertheless, the Board agrees with the ALJ in this matter that this case is distinguishable from the numerous other fraud cases wherein the Board has revoked educator certificates due to affirmative fraudulent behavior by an educator. *See, e.g., In the Matter of the Certificate of Michael*

*Bonsu*, Dkt. No. 1112-225 (Examiners, January 17, 2014) (Individual who held only Teacher of the Handicapped certification fabricated Supervisor certificate for a promotion within his district); *In the Matter of the Certificate of Deborah Cantz*, Dkt. No. 1213-109 (Examiners, February 28, 2013) (Elementary school teacher fabricated Teacher of Mathematics certificate to obtain employment); *In the Matter of the Certificates of Karen Ledden*, Dkt. No. 0910-174 (Examiners, March 31, 2011) (Elementary school teacher fabricated two Teacher of the Handicapped certificates and submitted them to various districts).

In this case, Bullen's failure to follow district policy on tutoring and failure to submit accurate billing invoices is a serious error in judgment. However, given the mitigation found by the ALJ, the Board agrees with the ALJ and believes that the revocation of her certificates is not warranted. Specifically, the ALJ found, and the Board agreed, that Bullen's previous superintendent had no problem with the tutoring arrangement, that Bullen was tutoring a student in a subject matter area not covered in her class, that Bullen's explanations regarding the error with the billing invoices were reasonable and credible, and that the infrequency of the billing errors (8 of 96 billing periods and 192 timesheets) did not indicate a pattern of fraudulence. *See* Initial Decision at p. 16. Further, the Board agrees with the ALJ that the appropriate penalty is not a lengthy suspension of her educator certificates.

Accordingly, on January 19, 2024, the Board voted to adopt the Initial Decision and ordered a two-month suspension of Bullen's certificates. On this 1<sup>st</sup> day of March 2024, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Courtney Bullen's Teacher of Music Certificate of Eligibility with Advanced Standing and a Teacher of Music certificate are hereby SUSPENDED for a period of two months,

effective immediately. It is further ordered that Bullen 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.