

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LINDA M. ARMOUR : ORDER OF REVOCATION
_____ : DOCKET NO: 503-01/99-249

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Linda M. Armour was convicted in 1994 of obstructing police, a felony. As a result of such conviction, Armour was disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 et seq.

Armour did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above-mentioned information, at that January meeting, the State Board of Examiners voted to issue Armour an Order to Show Cause. Armour currently holds a County Substitute certificate issued by the Union County Office of Education.

The Order to Show Cause was mailed to Armour by regular and certified mail on February 24, 1999. The certified mail was returned unclaimed. The regular mail was not returned. The Order provided that an Answer had to be filed within 20 days. Armour did not respond to the Order. On December 29, 1999, the Board of Examiners allowed Armour an additional 10 days to file a response admitting or denying the facts on the Order to Show Cause. Armour was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Both copies of the correspondence to Armour were returned and indicated that a mail forwarding order had expired.

Thereafter, the Board sought and received a new address for Armour from the Division of Motor Vehicles. The Order was re-sent to Armour on September 22, 2000. The certified mail copy was returned unclaimed and the regular mail copy was not returned. On November 2,

2000, Armour was provided an additional 10 days to respond to the Order. Once again, the certified mail was returned unclaimed and the regular mail copy was not returned. Armour never responded to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Armour's disqualification from serving in the public schools of New Jersey gives the Board just cause to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Armour did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Armour's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. Included in that category are individuals who commit felonies, including obstructing the police. This strong legislative policy statement is in accord with the Commissioner's long-standing policy of holding teachers to a higher standard: "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.

In this case, Armour has a conviction for obstructing the police, a felony. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant.

Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Armour's disqualification from service in the public schools of this State because of her conviction for felony obstructing police provides just cause to take action against her certificate.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners 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. Thus, because the Legislature considers Armour's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of her County Substitute certificate.

Accordingly, it is therefore ORDERED that Linda M. Armour's County Substitute certificate be revoked on this 22nd day of February 2001. It is further ORDERED that Armour return her certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: 3/27/01

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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