

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MELISSA WILSON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-108

At its meeting of December 9, 2004, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Melissa Wilson was convicted in March 2004 on two counts of theft. As a result of such conviction, Wilson was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Wilson currently holds a Teacher of Elementary School certificate, issued in June 1991, a Supervisor certificate, issued in March 1997, a Principal/Supervisor Certificate of Eligibility, issued in January 1998 and a Principal/Supervisor certificate, issued in January 2001.

Wilson did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, at its December 9, 2004 meeting, the State Board of Examiners voted to issue Wilson an Order to Show Cause.

The Board sent Wilson the Order to Show Cause by regular and certified mail on March 15, 2005. The Order provided that Wilson must file an Answer within 30 days. Wilson filed her Answer on May 17, 2005.

In her Answer, Wilson admitted that she had pled guilty to two counts of theft and had been disqualified from public school employment. (Answer, ¶¶ 5-7). She also claimed that no benefit would be served by revoking or suspending her certificates because she had already been “punished for her mistake by not being able to ever teach in the public school system—a career which she dearly loved.” (Answer letter, p.2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 15, 2005, the Board sent Wilson a hearing notice by regular and certified mail. The notice explained that since it appeared no

material facts were in dispute, Wilson 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. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her disqualifying offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Wilson filed a response to the hearing notice on August 11, 2005. In that response she claimed that the Board was not legally mandated to suspend or revoke her certificates. (Hearing Response, p.1). Moreover, she emphasized that the Superior Court, at that sentencing for her convictions, did not find that Wilson was at risk for re-offense and therefore Wilson did not need to demonstrate any rehabilitation for her actions. (Hearing Response, pp. 1-2). Finally, she argued that the Board had discretion not to revoke her certificates and “[i]f the Board believes that any penalty is warranted at all,...it is urged that it be a suspension, not a revocation of her certificates.” (Hearing Response, p. 2).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Wilson’s disqualifying offense constitutes conduct unbecoming a certificate holder. At its meeting of November 3, 2005, the State Board of Examiners reviewed the charges and papers Wilson filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Wilson’s offense were in dispute since she never denied that she had committed the offense nor did she deny that she had been disqualified because of her criminal offenses. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Wilson's conviction and subsequent disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

In enacting the Criminal History 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 a danger to them. Individuals convicted of a crime such as theft fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of criminal acts by teaching-staff members. "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, a teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E&A 1944). 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Wilson's disqualification from service in the public schools of this State because of her convictions for theft provide just cause to take action against her certificates.

That 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 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 himself out as a teacher. Thus, because the Legislature considers Wilson's offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Wilson's certificates.

Accordingly, it is therefore ORDERED that Melissa Wilson's Teacher of Elementary School, Supervisor and Principal/Supervisor certificates, and her Principal/Supervisor Certificate of Eligibility be revoked on this 3rd day of November 2005. It is further ORDERED that Wilson return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: DECEMBER 2, 2005

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