

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
VINNETTE RICHARDSON : ORDER OF SUSPENSION
_____ : DOCKET NO: 0405-216

At its meeting of July 20, 2006, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Vinnette Richardson was convicted in 2006 of conspiracy to commit arson and arson. As a result of such conviction, Richardson was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Richardson currently holds a Teacher of Elementary School Certificate of Eligibility, issued in September 1998, a Teacher of Elementary School certificate, issued in February 2000, and a Principal/Supervisor Certificate of Eligibility, issued in July 2003. Richardson did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Richardson an Order to Show Cause at its meeting of September 21, 2006.

The Board sent Richardson the Order to Show Cause by regular and certified mail on September 27, 2006. The Order provided that Richardson must file an Answer within 30 days. Richardson filed her Answer on November 21, 2006.

In her Answer, Richardson admitted that she was convicted of a crime in the second degree on May 18, 2006. (Answer, ¶ 3). She also acknowledged that she never challenged the accuracy of her criminal history record. (Answer, ¶ 5). Richardson added that she was not currently employed under her educational certifications and would not “seek such employment until there is a final decision on the criminal matter and this certificate revocation proceeding.” (Answer, ¶ 6).

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on December 4, 2006, the Board sent Richardson a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, she 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.

Richardson filed a response to the hearing notice on December 26, 2006. In that response she claimed that although she had been convicted of a crime she had not yet been sentenced. (Hearing Response, p. 1). She also noted that she was petitioning for a new trial and would be appealing the conviction if her motion were denied. (Hearing Response, p. 1). Richardson also denied the conduct alleged against her and stated that she believed “her innocence will be established either through a new trial or on appeal.” (Hearing Response, p. 1). She therefore requested that the Board of Examiners “either hold her case in abeyance pending the final outcome of the criminal case or, at most, issue an order of suspension pending the outcome.” (Hearing Response, p. 1).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Richardson’s conviction for a disqualifying offense constitutes conduct unbecoming a certificate holder. At its meeting of February 22, 2007, the State Board of Examiners reviewed the charges and papers Richardson 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 Richardson’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 it. 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 Richardson's conviction and 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 of arson and conspiracy to commit arson fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers should 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.

In this case, Richardson has a conviction for arson and conspiracy to commit arson. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his 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 Richardson's disqualification from service in the public schools of this State because of her conviction for arson and conspiracy to commit arson provides 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 would be barred from service in public schools if convicted of that offense, should not be permitted to retain the license that authorizes such service while the courts determine his or her culpability. Thus, because the Legislature considers Richardson's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction pending resolution of the criminal appeal against her is the suspension of her certificates to teach.

Accordingly, pursuant to the Board of Examiners' vote, it is therefore ORDERED that Vinnette Richardson's Teacher of Elementary School Certificate of Eligibility, Teacher of Elementary School certificate, and Principal/Supervisor Certificate of Eligibility be suspended effective this 29th day of March 2007. If the charges are resolved in her favor, she shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that Richardson return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: April 2, 2007

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