

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
KATHLEEN BOWLER : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-128

At its meeting of December 6, 2007, the State Board of Examiners reviewed a report the Office of Fiscal Accountability and Compliance (OFAC) had forwarded indicating that Kathleen Bowler had engaged in sexually inappropriate conduct with several middle school students. Specifically, the report revealed that Bowler was alleged to have engaged in cyber sex and phone sex with a middle school student and to have sent sexually explicit e-mail messages to other students. Bowler also appeared at an eight grade dance even though she was not assigned to chaperone and spent part of the evening following a student. The OFAC report also revealed that the Mercer County Prosecutor's Office had charged Bowler with two counts of Endangering the Welfare of a Child in the second degree, contrary to the provisions of *N.J.S.A. 2C:24-4*. On December 11, 2006, Bowler pled guilty to two counts of Endangering the Welfare of a Child in the third degree. Bowler currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 2003. Upon review of the above information, at its January 17, 2008 meeting, the State Board of Examiners voted to issue Bowler an Order to Show Cause.

The Board sent Bowler the Order to Show Cause by regular and certified mail on November 3, 2008. The Order provided that Bowler's Answer was due within 30 days. The certified mail copy was returned as unclaimed and the regular mail copy was returned. Bowler did not file a response. After several unsuccessful attempts at securing a new address for Bowler, the Board of Examiners published notice of the Order to Show Cause. Bowler did not respond to the published notice. Subsequently, the Board secured a new address for Bowler in

Rhode Island and re-sent the Order to Show Cause to her via regular and certified mail on March 23, 2009. The regular mail copy was not returned and the certified mail receipt was signed and returned. Bowler did not respond to the Order to Show Cause.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 7, 2009, the Board of Examiners sent Bowler a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Bowler 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 conduct and conviction warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Bowler was also provided the opportunity to appear before the Board to testify on the sanction issue. Neither mail copy was returned and Bowler did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Bowler's conviction for Endangering the Welfare of a Child, and the conduct set forth in OFAC's report, including sending sexually explicit e-mails to students and engaging in cyber-sex and phone sex with a student constitute conduct unbecoming a certificate holder. Since Bowler failed to respond to the Order to Show Cause or the hearing notice, at its meeting of October 22, 2009, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Bowler's conduct were in dispute since she never denied that she had engaged in the conduct alleged in the OFAC report or that she pled guilty to the offense charged. Thus, the Board of Examiners

determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h). It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Bowler's conduct and conviction, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C.* 6A:9-17.5. "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. Bowler's acts of engaging in sexually inappropriate behavior with students and endangering the welfare of a child are inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Bowler cannot claim status as a role model to anyone.

Furthermore, 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). In this instance, Bowler's conviction for Endangering the Welfare of a Child, as well as her conduct in engaging in cyber sex and phone sex with one student and sending sexually inappropriate e-mails to another student, demonstrates egregious behavior which warrants the revocation of her teaching certificate.

Accordingly, on October 22, 2009 the Board of Examiners voted to revoke Kathleen Bowler's Teacher of Elementary School Certificate of Eligibility With Advanced Standing. On

this 2nd day of December 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Bowler's certificate be effective immediately. It is further ORDERED that Bowler return her certificate 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.

RRH:MZ: