

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
TRACY BOOTH : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-108

At its meeting of September 9, 2009, the State Board of Examiners reviewed information received from the New Jersey Superior Court, Law Division-Criminal, Essex County indicating that on December 16, 2008, Tracy Booth pled guilty to charges of Aggravated Sexual Assault and Endangering the Welfare of a Child. On April 17, 2009, Booth was sentenced to five years imprisonment. Booth currently holds a Teacher of Elementary School certificate, issued in October 2002. Upon review of the above information, at its October 22, 2009 meeting, the State Board of Examiners voted to issue Booth an Order to Show Cause.

The Board sent Booth the Order to Show Cause by regular and certified mail on October 26, 2009. The Order provided that Booth's Answer was due within 30 days. Neither the regular nor certified copy was returned. Booth did not file a response. Thereafter, on December 7, 2009, the Board sent Booth a second notice by regular and certified mail providing her an additional 15 days to respond to the Order to Show Cause. The regular mail copy was not returned and the certified mail receipt was signed and returned. Booth did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 13, 2010, the Board of Examiners sent Booth a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Booth 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, as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against her certificates. 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 Booth's offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Booth was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Booth did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Booth's conviction constitutes conduct unbecoming a certificate holder. Since Booth failed to respond to the Order to Show Cause or the hearing notice, at its meeting of April 29, 2010, 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 Booth's offense were in dispute since she never denied that she had pled guilty to the offense charged and had been sentenced accordingly. 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 Booth's conviction, as set forth in the Order to Show Cause, provides just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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. Booth's acts of Aggravated Sexual Assault 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, Booth cannot claim status as a role model to anyone.

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 (1943), *aff'd*, 131 N.J.L. 326 (E & A 1944). In this instance, Booth's conviction for Aggravated Sexual Assault and Endangering the Welfare of a Child demonstrates egregious behavior that warrants revocation.

Accordingly, on April 29, 2010 the Board of Examiners voted to revoke Booth's Teacher of Elementary School certificate. On this 10th day of June 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Tracy Booth's Teacher of Elementary School certificate be effective immediately. It is further ORDERED that Booth 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.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ: