

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DONNA COVELY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1112-183

At its meeting of March 1, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Gloucester County Prosecutor's Office (GCPO) indicating that respondent Donna Covely pled guilty in April 2011 to Criminal Mischief. On June 17, 2011 Covely was sentenced to two years' probation. As a result of the conviction, Covely was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Covely currently holds Teacher of Health and Physical Education and Teacher of Driver Education certificates, both issued in June 1977, a Supervisor certificate, issued in July 1999, a Principal Certificate of Eligibility, issued in July 1999 and a Principal certificate, issued in December 2000. Covely did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of April 2, 2012 to issue Covely an Order to Show Cause why her certificates should not be revoked.

The Board sent Covely the Order to Show Cause by regular and certified mail on April 4, 2012. The Order provided that Covely must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Covely responded on April 16, 2012. In that Answer, Covely admitted to the allegations regarding her guilty plea, sentencing and disqualification. (Answer, ¶¶ 3-5). She added that she did not believe her certificates should be revoked and requested the opportunity to address the Board "to explain the circumstances surrounding her conviction for criminal mischief." (Answer, ¶¶ 6,7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 19, 2012 the Board sent Covely a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Covely 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 found just cause 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 Board would determine if her disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Covely was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. In a letter dated May, 4, 2012, Covely stated that she would not be filing any written submissions but added that she wished to appear before the Board.

In testimony before the Board, Covely's attorney stated that she had dedicated her life to teaching and did not have "one black mark" in her over 30 year career. He stated that her actions stemmed out of a domestic dispute and that the damaged property was hers as well as her husband's. Covely testified that she shot her husband's truck in "a moment of insanity" but that she was not near any other people. She stated that she pled guilty to criminal mischief because she did not want to risk going to jail. Covely admitted that she had made a "huge mistake" that she could not take back but that "the person you see is not the person I was." She stated that she holds herself accountable and was receiving counseling. Covely noted that she had always taken her job seriously and asked that her certificates not be taken away.

The threshold issue before the Board in this matter is whether Covely's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of

September 21, 2012, the Board considered the allegations in the Order to Show Cause, Covely's Answer and testimony. The Board determined that no material facts related to Covely's offense were in dispute since she never denied that she had been convicted of the offense charged and sentenced accordingly. Thus, the Board 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 Board must now determine whether Covely's conviction and resulting disqualification, as 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. Individuals convicted of a crime such as Criminal Mischief, which, in this case, involved the use of a weapon, fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must 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. Clearly, Covely's conviction indicates her actions here fall short of what is expected of a role model.

The 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 Board 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 public school employment be permitted to continue to hold himself out as a teaching staff member. Thus, notwithstanding Covely's otherwise long, unblemished career, because the Legislature considers Covely's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Covely's certificates.

Accordingly, on September 21, 2012, the Board voted to revoke Donna Covely's Principal Certificate of Eligibility and her Teacher of Health and Physical Education, Teacher of Driver Education, Supervisor and Principal's certificates. On this 30th day of November 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Donna Covely's certificates be effective immediately. It is further ORDERED that Covely 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.

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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 the provisions of *N.J.S.A.* 18A:6-38.4.