

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DARRELLE TOBE : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-134

At its meeting of October 28, 2010, the State Board of Examiners (Board) reviewed information it had received from the Department of Children and Families (DCF), Institutional Abuse Investigation Unit (IAIU) regarding Darrelle Tobe. After conducting an investigation, IAIU substantiated allegations of Physical Abuse/Cuts, Bruises, Welts, Abrasions and Oral Injuries, and Physical Abuse/Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare regarding Tobe's actions. Specifically, IAIU's investigation revealed that Tobe entered a classroom and found two boys in a closet. She attempted to keep the students in the closet by pressing on the door until it broke. When the two boys ran out of the closet, Tobe struck each of them with her cane. She hit one student in the back of the head and the other student in the back/neck area. Both boys were examined and treated by the school nurse and one was also examined at the emergency room of a local hospital. Tobe currently holds a Teacher of the Handicapped certificate, issued in June 1973, a Teacher of the Deaf or Hard of Hearing certificate, issued in September 1981 and a Principal certificate, issued in June 1990. Upon review of the above information, the Board voted at its meeting of December 9, 2010 to issue Tobe an Order to Show Cause why her certificates should not be revoked.

The Board sent Tobe the Order to Show Cause by regular and certified mail on December 16, 2010. The Order provided that Tobe's Answer was due within 30 days. In January 2011, the proceedings were placed in abeyance at the request of Tobe's counsel, pending determination of the appeal of the IAIU findings. On May 7, 2012, DCF issued a decision affirming the IAIU's finding of abuse. *Department of Children and Families, Institutional Abuse Investigation Unit v. Tobe*, Docket No. AHU 09-1033 (Acting Commissioner's Decision, May 7, 2012). The proceedings before the Board were then taken out of abeyance and another copy of the Order to Show Cause was sent to Tobe. On November 16,

2012, Tobe's counsel submitted a letter stating that Tobe would not be responding to the Order to Show Cause.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 21, 2012, the Board sent Tobe a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Tobe 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 Board would determine if Tobe's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Tobe was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned. The regular mail copy was not returned. Tobe did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Tobe's conduct constitutes conduct unbecoming a certificate holder. Since Tobe failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 25, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Tobe's offense were in dispute since she never denied that she had engaged in the conduct alleged. 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 Tobe's conduct, as set forth in the Order to Show Cause, provide just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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. The Commissioner has long held that teachers serve as role models for their students. There can be no dispute that Tobe’s conduct with regard to striking two students with her cane and causing physical injury to them amply demonstrates her inability to be a role model for students. Moreover, 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, Tobe’s inappropriate behavior speaks volumes about her unfitness to be a teacher. Clearly her offense demonstrates egregious behavior that warrants revocation. The Board therefore concludes that the only appropriate response to Tobe’s breach is the revocation of her teaching certificates.

Accordingly, on January 25 2013, the Board voted to revoke Darrelle Tobe’s Teacher of the Handicapped, Teacher of the Deaf or Hard of Hearing and Principal certificates. On this 28th day of February 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Tobe’s certificates be effective immediately. It is further ORDERED that Tobe 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, 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.