

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CATHERINE DEPAUL : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-114

At its meeting of May 16, 2013, the State Board of Examiners (Board) reviewed information received from the Camden County Prosecutor's Office (CCPO) and the Office of Criminal History Review (OCHR) regarding Catherine DePaul. In October 2012, DePaul was arrested and charged with Official Misconduct, Hindering Apprehension or Prosecution and Failing to Report Child Abuse. The CCPO and the OCHR notified the Board that, on February 11, 2013, DePaul pled guilty to a disorderly persons offense for Failing to Report Child Abuse, which touched upon her public position with the Black Horse Pike Regional School District. DePaul was sentenced to one year of probation and ordered to forfeit her public position in the district. Pursuant to *N.J.S.A. 2C:51-2d*, she was also forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions. DePaul currently holds a Teacher of Comprehensive Science certificate, issued in August 1979, a Supervisor certificate, issued in November 2001, a Principal Certificate of Eligibility, issued in November 2001, a School Administrator Certificate of Eligibility, issued in November 2001 and a Principal certificate, issued in August 2003. Upon review of the information, at its July 25, 2013 meeting, the Board voted to issue DePaul an Order to Show Cause.

The Board sent DePaul the Order to Show Cause by regular and certified mail on July 29, 2013. The Order provided that DePaul must file an Answer within 30 days. DePaul responded on August 28, 2013. In that Answer, DePaul admitted to the allegations in the Order to Show Cause regarding her conviction, but denied that there were grounds for the revocation of her certificates. (Answer, ¶¶ 3-4). In an Affirmative Defense, DePaul claimed that when she first received information about teachers having inappropriate relationships with students, she reported it to the Superintendent and they did not believe there was sufficient credible evidence to report it to the police or the Institutional Abuse Investigation Unit (IAIU) at the Department of Children and Families. (Answer, First Affirmative Defense, ¶ 1).

DePaul stated that when documentation came in “that led her and her colleagues to believe teaching staff members were engaged in reportable conduct,” she immediately contacted IAIU. (Answer, First Affirmative Defense, ¶ 1). She added that she never committed any intentional or knowing acts of misconduct that would mandate the revocation of her certificates, as it was simply not in her character. (Answer, First Affirmative Defense, ¶ 2). DePaul argued that one unintentional mistake within an otherwise spotless record should not result in the loss of her certificates. (Answer, First Affirmative Defense, ¶ 2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 30, 2013, the Board sent DePaul a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, DePaul 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 DePaul’s offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. DePaul was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time, DePaul submitted a Hearing Response on October 18, 2013.

In her response, DePaul stated that the Board should take no further action against her certificates in light of her long, unblemished career as well as the punishment she had already received for her error in judgment. (Hearing Response, pp. 3-6). She also recounted her many accolades and the community service she had performed both within and without the district. (Hearing Response, pp. 6-7). DePaul also maintained that she had not committed an act of malfeasance and that her failure to notify DCF “was not based on any illicit motive or personal gain.” (Hearing Response, p. 7). She noted that she informed DCF and local law enforcement immediately when she believed that there was sufficient information to do so. (Hearing Response, p. 7). Finally, DePaul argued that her punishment of never being able to work

in a public school again had caused her great pain and anguish and was “a more than sufficient response to [my] momentary lapse in judgment.” (Hearing Response, p. 8). DePaul therefore argued that the Board should allow her to retain her certificates. (Hearing Response, p. 8). In addition to her Hearing Response, DePaul requested to appear before the Board.

In testimony before the Board, DePaul’s counsel described her 33 years as an educator and her devotion to her craft, colleagues and students. He said that DePaul’s life-long career came to a screeching halt when the charges were filed and that she can never work in a public school again. He asked the Board to balance DePaul’s 33 years of excellent service against the punishment she had already received in this case: the loss of her job and the forfeiture of her public office. He argued that DePaul’s conduct was not an act of commission but, rather, one of omission and that the penalty should be a short-term suspension so she could continue to serve youth. DePaul testified that she loved her 33 years in education and that it was her life. She stated that if the Board took away her certifications, it would be taking away her identity.

The threshold issue before the Board in this matter is whether DePaul’s conviction constitutes conduct unbecoming a certificate holder. At its meeting of January 17, 2014, the Board considered the allegations in the Order to Show Cause, DePaul’s Answer, Hearing Response with accompanying submissions and her testimony. The Board determined that no material facts related to DePaul’s offense were in dispute since she admitted that she had been convicted of the charges and was 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 DePaul’s conviction, as set forth in the Order to Show Cause, provides 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.

In her Hearing Response, DePaul cited several cases in which long-term teachers who had committed a single lapse in judgment were permitted to retain their teaching certificates and she urged the Board to act similarly in her case. See *In the Matter of the Teaching Certificates of Corey Younger*, Dkt. No. 0405-186 (Bd. Of Examiners, January 20, 2005); *In the Matter of the Certificates of Walter Barnes*, Dkt. No. 0304-288 (Bd. Of Examiners, May 4, 2006); *In the Matter of the Certificates of V.R.*, Dkt. No. 0304-193 (Bd. Of Examiners, December 2, 2009). What DePaul fails to recognize is that, in none of those cases, as is true here, was the teacher convicted of a criminal offense and permanently barred from public employment.

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 matter, DePaul’s conviction for Failure to Report Child Abuse resulted in the forfeiture of her public position and a permanent ban from public employment. Although DePaul has a wealth of experience and a heretofore unblemished career record, the fact remains that she has a conviction which touched on her employment. 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 barred from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, the Board believes that the only appropriate sanction in this case is the revocation of DePaul’s certificates.

Accordingly, on January 17, 2104, the Board voted to revoke DePaul’s Principal and School Administrator Certificates of Eligibility and her Teacher of Comprehensive Science, Supervisor, and Principal certificates. On this 27th day of February 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Catherine DePaul’s certificates be effective immediately. It is further ORDERED that DePaul 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 the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th