

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
SHERRVELL A. JOHNSON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1314-240

At its meeting of July 15, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Sherrvell A. Johnson. The CHRU notified the Board that Johnson was convicted of Theft of Movable Property in June 2001 and was fined \$67,778. The CHRU notified the Board that, as a result of her conviction, in August 2012 Johnson was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Records indicated that, despite her disqualification, Johnson continued to work in the State-Operated School District of the City of Newark until July 2014. Johnson currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in March 2002 and a Teacher of Elementary School certificate, issued in September 2003.

Johnson did not challenge the accuracy of her criminal history record before the Commissioner of Education. In addition, Johnson did not disclose her conviction when she applied for certification in November 2001. Upon review of the above information, the Board voted at its meeting of July 24, 2014 to issue Johnson an Order to Show Cause why her certificates should not be revoked.

The Board sent Johnson the Order to Show Cause by regular and certified mail on July 29, 2014. The Order provided that Johnson must file an Answer within 30 days. Both the regular mail and certified mail copies were returned as ‘Undeliverable.’ After securing a new address for Johnson, the Board re-sent the Order to Show Cause by regular and certified mail on August 14, 2014. Johnson filed a response on September 15, 2014.

In that Answer, Johnson stated that her first application for certification was completed by a representative at her college in January 2001 and, at that time, the application only asked whether the candidate had been convicted of a crime, not arrested. Johnson stated that she was not convicted until June 2001. (Answer, p. 1). Johnson admitted that she should have divulged her conviction in September

2001, when she was made a permanent teacher and received her second certification. (Answer, p. 1). She stated that she was scared because she had been through so much as a young adult, having a child at 16 and doing her best to make ends meet on her own. (Answer, p. 1). Johnson claimed that she was never aware of the CHRU's findings that she was disqualified and was not relieved of her duties by Newark until the summer of 2014. (Answer, p. 2). Johnson added that "I know what I did was wrong," and "I was a single mother and I was desperate." (Answer, p. 2). She stated that she was proud of the person and teacher she had become and listed her accomplishments, including being named Teacher of the Year, being appointed school treasurer and being appointed a Math Coach. (Answer, p. 2). Johnson added that she believed she had been an exemplary teacher and that she had learned valuable lessons from her mistakes and could provide insight to "someone who is perhaps unfortunate enough to be going down the same path as me." (Answer, p. 2).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on October 3, 2014, the Board sent Johnson a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Johnson 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. Johnson 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. Johnson did not respond.

The threshold issue before the Board in this matter is whether Johnson's conduct and her conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of January 23, 2015, the Board considered the allegations in the Order to Show Cause and Johnson's Answer. The Board determined that no material facts related to Johnson's offense were in

dispute since she never denied that she had been convicted of the offense charged and been subsequently disqualified. 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 Johnson'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:9B-4.5. 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 Theft of Movable Property fall squarely within this category. The strong legislative policy statement is also 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. 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 matter, Johnson's conviction for Theft of Movable Property resulted in a significant fine. Although Johnson may have many accomplishments as an educator, the fact remains that she has a serious conviction. That conviction, coupled with her failure to disclose it for so many years, clearly demonstrates behavior that falls far short 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 teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and

the Commissioner consider Johnson's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

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). 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 teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and the Commissioner consider Johnson's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Furthermore, notwithstanding Johnson's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." See *In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 N.J.A.R. 2D (EDE) 1, 16 *aff'd*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Johnson has received many accolades as an educator, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to her certification.

Accordingly, on January 23, 2015, the Board voted to revoke Sherrvell A. Johnson's Teacher of Elementary School Certificate of Eligibility With Advanced Standing and her Teacher of Elementary School certificate. On this 12th day of March 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Sherrvell Johnson's certificates be effective immediately. It is further ORDERED that Johnson 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

RRH/MZ/th

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.