

172-24  
State Board of Examiners Dkt. No. 1920-117  
OAL Dkt. No. EDE 00599-20  
Agency Dkt. No. 12-11/23A

## **New Jersey Commissioner of Education**

### **Final Decision**

In the Matter of the Certificates of  
Randi Drogin, State Board of Examiners,  
New Jersey Department of Education.

Order of Suspension by the State Board of Examiners, dated September 21, 2023

For the Respondent-Appellant, Sanford Oxfeld, Esq. and Samuel Wenocur, Esq.  
(Oxfeld Cohen)

For the Petitioner-Respondent State Board of Examiners, Sydney Finkelstein and  
Sadia Ahsanuddin, Deputy Attorneys General (Matthew J. Platkin, Attorney  
General of New Jersey)

The Commissioner has reviewed the record, hearing transcripts, and papers filed in connection with Randi Drogin's appeal of the Order of the State Board of Examiners (Board), dated September 21, 2023, suspending her Teacher of Art Certificate of Eligibility, Teacher of Art Standard Certificate, and Supervisor Certificate for a period of six months.

On December 13, 2019, the Board issued an Order to Show Cause regarding the suspension of appellant's certificates, which she opposed. Following a contested hearing, the Administrative Law Judge (ALJ) found that while employed at Bayonne during the 2018-2019 school year, appellant involved herself in the personal lives of her students and gave them advice on personal matters; expressed suicidal thoughts to students, faculty, and staff; and had

conversations with students about her own mental health issues. Additionally, the ALJ found that appellant pried into the subjects of one student's mental health and sexuality, which ultimately resulted in a no-contact agreement implemented by school officials between appellant and that student. The ALJ also found that after one of appellant's students broke up with his girlfriend, who then threatened suicide, appellant offered personal advice to the student instead of reporting the incident to the district to ensure that the student received help.

When analyzing whether appellant's conduct warranted a suspension of her certificates, the ALJ considered that appellant suffered from mental and emotional stressors during the 2018-2019 school year that likely contributed to her conduct, and further found that her mental health issues were being improperly treated during that time. The ALJ reasoned that appellant did not intend to harm or negatively affect her students, but rather involved herself too deeply into their personal lives. In the end, the ALJ concluded that the Board failed to show, by a preponderance of credible evidence, that appellant's certificates should be suspended.

Upon considering appellant's exceptions and the Board's reply thereto, the Board adopted the ALJ's findings of fact, determined that those facts constituted unbecoming conduct, and imposed a six-month suspension of appellant's certificates. The Board considered, as did the ALJ, that appellant was suffering from mental health issues when the unbecoming conduct in Bayonne occurred. However, the Board disagreed with the ALJ that this negated or excused her unbecoming conduct. Instead, the Board considered appellant's mental health issues as a mitigating factor when determining that a six-month suspension was an appropriate penalty.

On appeal, appellant maintains that no action should be taken against her certificates. Initially, she asserts that the Board should have dismissed the exceptions filed by the Deputy

Attorney General (DAG) on procedural grounds under *N.J.A.C. 1:1-18.4(b)(1)*. In addition, appellant contends that the Board's decision is arbitrary, capricious, and unreasonable because: (1) the Board did not afford proper deference to the ALJ's Initial Decision, as required under *N.J.S.A. 52:14B-10*; (2) the ALJ's factual findings do not support the Board's determination of unbecoming conduct; and (3) mitigating factors, including appellant's lack of intent to cause harm and misdiagnosis of her mental health condition during the 2018-19 school year, support dismissal of the Order to Show Cause rather than a suspension of appellant's certificates.

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute his judgment for that of the Board so long as the appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. The Commissioner's role in reviewing appeals is constrained by *N.J.A.C. 6A:4-4.1(a)*, which specifies that "the Commissioner shall ascertain whether the decision is supported by sufficient credible evidence in the record and shall not disturb the decision unless the appellant has demonstrated that the State Board of Examiners . . . acted in a manner that was arbitrary, capricious, or contrary to law."

Initially, the record reflects that appellant received due process throughout the proceedings, and she does not contend otherwise. Next, the Commissioner finds that the sufficient credible evidence in the record supports the Board's determination that a six-month suspension of appellant's certificates is warranted given the nature and extent of her proven unbecoming conduct. Notably, appellant does not dispute the ALJ's factual findings regarding the inappropriate interactions that occurred between her, her students, and staff members

during the 2018-2019 school year. Rather, she disputes the legal characterization of said conduct as unbecoming conduct sufficient to warrant suspension of her certificates.

“Conduct unbecoming” is an “elastic” concept that includes “conduct which adversely affects the morale or efficiency” of the public entity or “which has a tendency to destroy public respect for [public] employees and confidence in the operation of [public] services.” *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960). *Accord Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017). A finding of unbecoming conduct “may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” *Bound Brook Bd. of Educ.*, 228 N.J. at 14 (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)).

It is well-established that “[t]eachers . . . 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.” *In re Sammons*, 1972 S.L.D. 302, 321. Teachers “hold positions demanding public trust, and in such positions they teach, inform, and mold habits and attitudes, and influence the opinion of their pupils.” *In re Tordo*, 1974 S.L.D. 97, 98-99. They are held to an especially “high standard of conduct because of the influence they exercise over the students.” *State Bd. of Exam’rs v. Charlton*, 96 N.J.A.R. 2d (EDE) 18, 21.

Appellant repeatedly failed to exercise the self-restraint required of a teacher when she made inappropriate disclosures to students regarding her own personal life, and inappropriately pried into her students’ personal lives. “The line between teacher and friend should be rigorously enforced.” *In re Certificates of Zantow*, OAL Dkt. No. EDE 459-07, Agency Dkt. No. 0607-126,

Initial Decision at 22 (Feb. 29, 2008), State Bd. of Exam'rs Order of Suspension at 5 (July 28, 2008). Appellant crossed that line. Her sincere desire to help her students with personal issues does not excuse her conduct. By failing to exercise the self-restraint required of an educator on several occasions during the 2018-2019 school year and exercising poor judgment in her interaction with students, appellant committed unbecoming conduct.

Turning to appellant's contentions on appeal, her argument regarding the exceptions filed by the DAG lacks merit. The DAG's exceptions comported with *N.J.A.C. 1:1-18.4(b)(1)*, as they sufficiently specified in the first paragraph that exception was taken to the ALJ's legal conclusion that appellant's proven conduct neither constituted unbecoming conduct nor warranted any penalty against her certificates.

Furthermore, contrary to appellant's contention, the Board did not violate *N.J.S.A. 52:14B-10* when it adopted the ALJ's findings of fact and credibility determinations but disagreed with the ALJ's legal conclusions. Per *N.J.S.A. 52:14B-10(c)*, the ALJ's decision is "[a] recommended report and decision which contains recommended findings of fact and conclusions of law," and the ALJ's legal conclusions may be rejected by the agency so long as the agency "state[s] clearly the reasons for doing so." Here, the Board's decision adequately explained why it disagreed with the ALJ's legal conclusions and instead decided that the facts as found by the ALJ supported a finding of unbecoming conduct and suspension of appellant's certificates. The Legislature granted the Board, not the ALJ, with the authority to revoke or suspend an educator's certificates. *Morison v. Willingboro Bd. of Educ.*, \_\_\_\_ *N.J. Super.* \_\_\_\_ (App. Div. Mar. 28, 2024) (slip op. at 5-7) (citing *N.J.S.A. 18A:6-38* and *N.J.A.C. 6A:9B-4.4(a)*).

Moreover, appellant's claim that her lack of intent to harm her students should eliminate the need for the suspension of her certificates is unsupported by law. Nothing in the controlling statutes, regulations, or relevant case law supports the conclusion that an intent to harm students must be proven before the Board may suspend or revoke certificates. See *Morison*, slip op. at 6 ("[T]he Board of Examiners 'may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher, or other just cause.'" (quoting *N.J.A.C. 6A:9B-4.4(a)*)).

In addition, the Board appropriately considered the fact that appellant's mental health issues contributed to her unbecoming conduct when imposing a six-month suspension of her certificates instead of a more severe sanction. In other cases involving teachers who made inappropriate comments to students, the Board has imposed a one-year suspension. See, e.g., *In re Certificates of Zantow*, Agency Dkt. No. 0607-126, State Bd. of Exam'rs Order of Suspension at 5 (July 28, 2008) (imposing one-year suspension of certificates when teacher made inappropriate comments to students); *In re Certificates of Skerbetz*, Agency Dkt. No. 0405-315, State Bd. of Exam'rs Order of Suspension at 5-6 (Mar. 2, 2007) (imposing one-year suspension of certificates when teacher engaged in inappropriate conversations with students).

As for the cases cited by appellant in her briefs, they are readily distinguishable from the present matter. None of them support the conclusion that any aspect of the Board's decision was arbitrary, capricious, or contrary to law. The fact that other individuals achieved dismissal of the Board's Order to Show Cause under entirely different circumstances is neither persuasive nor dispositive. For instance, *In the Matter of the Certificates of Ralph Schiavo*, Agency Dkt. No. 0304-289, State Board of Examiners Order of Dismissal (May 10, 2006), involved an isolated

incident wherein a teacher accidentally bumped heads with a student and made a single inappropriate comment for which he promptly apologized. *In the Matter of the Certificate of Sandra Kearney*, Agency Dkt. No. 0304-106, State Board of Examiners Order of Dismissal (Sept. 25, 2003), involved an isolated incident wherein a teacher accidentally hit a student in the face after she experienced an injury and reacted to the pain by swinging her arm. *In the Matter of the Certificates of V.R.*, Agency Dkt. No. 0304-193, State Board of Examiners Order of Dismissal (Dec. 2, 2009), involved an isolated incident wherein a teacher, who was taking pain medication for an acute injury, accidentally injured a student's hand in the classroom door.

The facts in *Schiavo*, *Kearney*, and *V.R.* bear no resemblance to what occurred here. Appellant's proven conduct in this case was not accidental. Because the Board's decision is supported by sufficient, credible evidence, and appellant has failed to establish that it was arbitrary, capricious, or contrary to law, the Commissioner has no grounds to disturb the decision. *N.J.A.C. 6A:4-4.1(a)*.

Accordingly, the decision of the State Board of Examiners suspending appellant's certificates for six months is affirmed.<sup>1</sup>



ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 29, 2024

Date of Mailing: May 1, 2024

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDE 00599-20

AGENCY REF. NO. 1920-117

**IN THE MATTER OF THE CERTIFICATE(S)  
OF RANDI DROGIN.**

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**Sydney Finkelstein** and **Sadia Ahsanuddin**, Deputy Attorneys General, for petitioner State Board of Examiners (Matthew J. Platkin, Attorney General of New Jersey, attorney)

**Samuel Wenocur**, Esq., for respondent Randi Drogin (Oxford Cohen, attorneys)

Record Closed: April 26, 2023

Decided: May 31, 2023

BEFORE **JUDE-ANTHONY TISCORNIA**, ALJ:

**STATEMENT OF THE CASE**

Petitioner, New Jersey State Board of Examiners, New Jersey Department of Education, Office of Licensure and Credentials, (Board) seeks Revocation or Suspension of the professional certificates of respondent Randi Drogin (Drogin) due to her alleged conduct while employed by the Bayonne Public School District (District). Drogin holds a Teacher of Art certificate of eligibility, a Teacher of Art certificate, and a Supervisor certificate.



## **PROCEDURAL HISTORY**

Petitioner filed an Order to Show Cause seeking a suspension of respondent Randi Drogin's credentials based on alleged unbecoming conduct occurring when Drogin was employed by the District. Respondent provided an answer to the Order to Show Cause on December 27, 2019. The matter was transmitted to the OAL on January 13, 2020, and heard by the undersigned on May 19, 20, and 26, 2022, and December 16, 2022. Courtesy copies of the closing briefs were received by the undersigned via e-mail on March 24, 2023. On April 5, 2023, the undersigned received notice from the Attorney General's office that the matter had been transferred to a new deputy attorney general. Physical copies of the closing briefs along with all attachments were received by the undersigned on April 26, 2023, at which point the record was closed.

## **FACTUAL DISCUSSION**

### **Testimony**

#### **Kenneth Kopacz**

Kenneth Kopacz (Kopacz) has been employed by the Bayonne Board of Education as the assistant superintendent of personnel for over seven years. Kopacz was aware of respondent, as he handled an investigation she filed against her direct supervisor, Timothy Craig. Kopacz completed a memo to the superintendent of schools documenting his investigation, all concerns, his findings, and the responsive actions taken. See P-1; P-2. Kopacz determined that "Ms. Drogin did complain about her old assignment and the work load, so there was no issue there, there was no issue that Ms. Drogin was being mistreated by anyone at Bayonne Board of Education. And, there was no finding of any violation of the Healthy Workplace Environment which was Policy 3351."

Kopacz also determined through his investigation that respondent's allegations of retaliation by sending her for a psychiatric evaluation were unfounded, and that the chief medical inspector determined that the psychiatric evaluation was required. Kopacz testified that respondent's relationship with her direct supervisor was "strained after her

change of assignment, which, to be clear, was not a change out of the Art Department, it was just a change of classes.”

Kopacz was also made aware of Drogin after a harassment, intimidation, and bullying (HIB) complaint was filed against her. Though he was not involved in the investigation, he reported all information to the Board following receipt of the HIB report. It was determined that “Ms. Drogin was going to be moved out of the homeroom . . . so she would have no contact with those children in that homeroom.”

When asked about the tenure charges against respondent, Kopacz recalled that he was involved in the charges’ preparation and provided testimony for those charges. When asked about Drogin indicating that she did not want a specific student in her classroom, Kopacz testified that it was inappropriate for respondent to request that a certain student be removed just because she allegedly had issues with the student’s sibling in a prior class.

Concerns regarding respondent’s behavior resulted in Kopacz having a meeting with respondent to discuss issues such as Drogin’s classroom-management skills, her handling of behavior issues, her having conversations with students related to her personal matters, inappropriate use of social media, and discussing other staff members with students.

Kopacz further testified that based on Drogin’s inappropriate behavior, tenure charges were contemplated, but they were never formally filed due to Drogin’s resignation. Kopacz further noted that, in the past, there have been instances where teaching staff have had tenure charges filed against them even if there had not been any previous discipline in their employment histories. I find the witness to have testified credibly.

**Timothy Craig**

Timothy Craig (Craig) is employed by the District as the curriculum director of fine and performing arts and business education, a position he has held for twelve years.

Craig testified to his responsibilities and his professional relationship with respondent, as her supervisor. He said that during his time as Drogin's supervisor, he changed her teaching schedule and assignments, noting that respondent expressed that she was overwhelmed and stressed. Craig changed her schedule to Art 1, testifying that he "recognized the toll it might have been taking physically, she seemed tired, she seemed stressed out at the time." His observations led him to modify Drogin's schedule. He noted that Drogin seemed to be in favor of the schedule change at the time, though he subsequently received an objection from respondent regarding the change. Craig also stated that a teacher's thoughts and suggestions are taken into consideration when changing their schedule.

Craig further testified that after speaking with Kenneth Kopacz, he was instructed to have a meeting with Drogin and the principal of Bayonne High School, Richard Baccarella, regarding respondent's alleged inappropriate behavior. Craig stated that the meeting was set up because both students and colleagues of Drogin had complained that there were occasions where Drogin discussed topics of a personal nature in the classroom, along with instances of interactions between Drogin and students that might be considered argumentative or hostile.

Craig also asserted that the decision to send respondent for a psychiatric evaluation was not his decision and had nothing to do with him, despite respondent's allegations otherwise.

### **Christina Casais**

Christina Casais (Casais) has been a special education teacher for the Bayonne Board of Education for over twenty-seven years. She was a colleague of Drogin at the Bayonne Board of Education. Casais filed a HIB complaint against Drogin on behalf of her daughter, who was a student at Bayonne High School. The complaint was related to an email Casais received from one of her daughter's classmates, informing her that Drogin had held Casais' daughter after homeroom and asked her explicit questions about her sexuality. Casais further testified that the classmate's email indicated that Drogin asked Casais' daughter about her mental health and general welfare.

After receiving the email from the student, Casais forwarded all information to the principal and assistant superintendent, who was the head of human resources, in order to begin a HIB complaint. An investigation ensued, but the complaint was ultimately dismissed.

On March 27, 2019, Casais received a letter indicating that the District was unable to substantiate, upon further investigation, that her child was the target of HIB. See P-6. Casais appealed this finding, and included in the appeal evidence in the form of letters from three of her daughter's friends, who wrote about other similar incidents. An additional HIB investigation was initiated based on the newly submitted information.

Casais concluded her testimony by noting her personal concerns regarding Drogin's behavior. She stated that, "to this day [her child] does not know that this [the HIB investigation] was started because of her sexuality and her mental health being questioned by a colleague [Drogin]."

### **Kathy Bingham**

Kathy Bingham (Bingham) was employed by the Bayonne Board of Education as the assistant principal for fifteen years, ending in July 2022. She is currently retired. Bingham testified regarding her responsibilities as assistant principal. She also noted that she was aware of Drogin during her tenure there, and that Drogin's classroom was around the corner from her office at Bayonne High School. Bingham testified that Drogin would frequently come into her office to discuss various issues that would come up. Bingham further testified that students had, at times, come to her with concerns regarding Drogin, and had, at times, complained about her.

Specifically, Bingham recalled an incident that Drogin relayed to her wherein a male student informed Drogin that he had broken up with his girlfriend and that she had threatened to kill herself. Drogin essentially told the boy that if something happened to the girl, it would be his fault. Upon hearing this, Bingham reiterated to Drogin that she must refrain from giving such personal advice and should not so involve herself in the

personal lives of students. Bingham noted that, while it is acceptable to discuss certain issues with a student seeking advice, Drogin must “draw a line” somewhere, and that when a conversation escalates to a certain point such as this, Drogin must send the student to professionals who are trained to handle such situations. Following this incident, Bingham typed up an incident report and sent it to Principal Baccarella. See P-7.

In regard to the HIB investigations against respondent, Bingham did not head up the investigations, but did sit in and take notes during different interviews. Bingham was involved in creating and executing a no-contact agreement between Casais’ daughter and Drogin. See P-8. Bingham testified that this type of agreement is created “if the student has expressed any kind of discomfort or intimidation or harassment.” She further noted that this agreement was the first one she ever executed between a student and a staff member.

Bingham continued to testify that there had been previous incidents where she had advised Drogin to not get too involved in the personal lives of the students. While Bingham felt that Drogin’s heart was in the right place when interacting with students in such a manner, Bingham affirmed, nonetheless, that Drogin’s conduct in the cited instances was inappropriate. I find the witness to have testified credibly.

### **Renaë Bush**

Renaë Bush (Bush) has worked for the Bayonne Board of Education as the director of student personnel services for the past eight years. She is also trained as the HIB coordinator. Bush testified regarding her responsibilities in both of her roles with the Board. As the HIB coordinator, Bush is responsible for overseeing all cases that are conducted by the anti-bullying specialists, and she is also responsible for training new staff regarding HIB. At times she is asked to conduct HIB investigations against teachers, and she testified regarding how HIB investigations are conducted at the District.

Bush is additionally responsible for issuing letters to alleged HIB offenders, like the letter issued to Drogin on March 12, 2019. P-9. She testified that once the alleged

offender is notified, an investigation begins. Then, the union representative becomes involved and represents the alleged offender during the investigation. Interviews are then conducted. In this investigation, Mr. Kopacz requested that Bush interview all of the students in respondent's homeroom, twenty-eight in all. Bush interviewed the four students who were the alleged targets, Ms. Drogin, and the remaining students in the homeroom. I find the witness to have testified credibly.

### **Richard Baccarella**

Richard Baccarella (Baccarella) has been the principal of Bayonne High School for the past twenty years. Baccarella testified regarding his duties and responsibilities in that role. He also testified regarding his interactions with Drogin. Baccarella stated that respondent had sought him out on multiple occasions to discuss various concerns that she had, and he noted that he was also her mentor. Baccarella indicated that the year respondent got tenured there were certain incidences involving her performance that caught his attention. On one occasion, the vice principal and some concerned students came into Baccarella's office to complain about inappropriate comments that were made by Drogin during homeroom. Baccarella met with Drogin about these ongoing issues. He invited her to his office, where Vice Principal Bingham and the director of music and art were present. He spoke to her about the issues raised, and Drogin denied all alleged inappropriate behavior. Following the meeting, Baccarella recommended that respondent go home for the day.

Baccarella was not directly involved in the HIB investigations against respondent, but he does sign off on all HIB investigations, including the ones conducted against respondent. The findings of the HIB investigation included unprofessional behavior. Baccarella recalled that corrective action included removal from her homeroom, as well as the no-contact agreement. Baccarella further testified that in his twenty years with the school, he never before saw a no-contact agreement executed against a teacher.

Baccarella also testified to his reasoning for recommending that Drogin undergo a psychiatric examination, noting that he made the recommendation for Drogin's own mental health and stability, as well as for the stress that some students were experiencing.

He stated that after his interview with Drogin, other faculty members came forward, complaining that Drogin was making comments such as, "When I leave here each day I just think about wrapping my car around a pole," and she would say inappropriate things to faculty members. Respondent needed medical clearance to come back to work following her psychiatric evaluation.

During the course of all of these incidents involving respondent, Baccarella documented everything, although he was not sure what it would lead to at the time. He stated, "if the behavior that we were trying to modify by relieving her of her homeroom, by having her see a doctor for counseling, if the behavior would not change then it would be my responsibility to recommend to my superior, which is the assistant superintendent in charge of the school and in charge of personnel, that we're not being very successful in monitoring her and altering her behavior." He noted that after her removal from the homeroom, Drogin was still exhibiting signs of being overwhelmed, even with the support the District had offered. Baccarella testified that, unlike Drogin, other teachers were able to successfully complete their hours of administrative programming while still handling a class load.

Baccarella testified that it did not matter whether the behavior occurred in Drogin's homeroom or other classes, as such inappropriate behavior is never acceptable. Any good-faith concerns regarding students expressed by Drogin do not negate the use of improper protocol or inappropriate behavior when handling student situations. I find the witness to have testified credibly.

### **Dr. Ruby Kapadia**

Dr. Ruby Kapadia (Kapadia) testified on behalf of respondent. She was admitted both as a fact witness and as an expert in family medicine and general-practice medicine. Kapadia works and owns her own medical practice in Saddle Brook. She is board certified in family medicine, and has been the school physician for the Manchester Board of Education for the past six years. She is licensed to practice medicine in New Jersey and New York. She provides primary care for patients and prescribes medication. She is not a psychologist or psychiatrist. When asked about her expertise in mental health, Kapadia

reported that she is Suboxone licensed, which requires specialized training for the Addiction Board. Although she has completed medical research in various areas, none of her research experience is based in psychology or mental-health research, only toxicology.

As the Manchester school physician she is required to give physical evaluations to all prospective employees. She evaluated Drogin after Drogin resigned from Bayonne. Kapadia saw respondent for a pre-employment physical in June 2019. Respondent reported heart palpitations, depression, and anxiety, for which she takes medication, including Prozac. Drogin reported that she was not optimally performing, and was dealing with agitation at home with her boyfriend.

Kapadia also conducted a mood screen on respondent, who tested positive for bipolar disorder, which led Kapadia to send her to Dr. Siddiqui, a psychiatrist, for a consultation and diagnosis. The finding was substantiated, so respondent was put on a mood stabilizer.

Regarding Drogin's mental-health issues, corresponding medications, and how they may have contributed to her behavior while employed at Bayonne, Kapadia testified as follows: "So I think this is what had happened to Randi, she had gone to her psychiatrist, had reported that she was feeling down, was placed on Prozac . . . then there was exacerbation, she was diagnosed with anxiety attacks and the Xanax was brought on board, and then something happened at school and she went back to there and he cleared her saying she had no suicidal ideation and she is good and she can go back and return to work." Tr. 4 at 18:2-10.

Kapadia continued her medical relationship with Drogin even after the pre-employment physical. Kapadia has been seeing Drogin once a month since their first meeting in 2019.

Kapadia has approved respondent to be employed in Manchester following her resignation from Bayonne. Kapadia reported that Drogin was experiencing agitation at home, which contributed to her overall mental-health issues and manifested in her not



optimally performing while at work in Bayonne High School. Kapadia testified that she believes the conduct alleged in the Bayonne charges would not happen today because Drogin is currently receiving proper medical treatment. Kapadia further testified, based on her medical expertise, that there is currently no reason why Drogin could not successfully continue her teaching career, and she believes Drogin should absolutely keep her licenses and continue to teach. Kapadia added that she believes Drogin is stable and should remain on her current treatment regimen.

On cross-examination, Kapadia admitted that she was not treating Drogin as a patient in 2017 and 2018, and was in no way present in Drogin's life during the time in question while Drogin was at Bayonne. I find the witness to have testified credibly.

### **Randi Drogin**

Respondent Randi Drogin is the holder of a Teacher of Art certificate of eligibility, a Teacher of Art certificate, and a Supervisor certificate. Drogin began her career at Bayonne as a permanent substitute, becoming a full-time teacher with Bayonne in the 2014–2015 school year.

Drogin testified that in September 2018 she asked Bayonne to take her out of her homeroom assignment because she was feeling overwhelmed. At that time Drogin was taking two graduate-school classes and working on getting principal credentials. Bayonne, however, rejected Drogin's request. Around this same time, Drogin also asked Bayonne to remove a student assigned to one of her classes. Drogin was concerned about this student because his identical twin brother had physically threatened Drogin during the 2017–2018 school year, and she was aware that the brothers liked to "switch classes," meaning one would pretend to be the other and attend the other's class. The District denied Drogin's request to move the student out of the class.

On cross-examination, Drogin testified that she had not seen many of the documents presented during the Board's case. Respondent did admit that a student had made an allegation of HIB against her, and that she had signed a no-contact agreement

as part of that investigation. See P-8. Respondent testified that she did not believe the HIB investigations were considered any type of disciplinary action.

When directed to the tenure charges, Drogin did admit to being asked to go with EMTs after becoming upset about certain job duties. See P-4. Drogin also confirmed that the student she was looking to have removed from her classroom had never made threatening remarks towards her, nor had the student exhibited other concerning behavior. See P-4. Drogin also confirmed that she was notified by the school that she was being investigated as an alleged perpetrator of HIB and that she was interviewed regarding said investigation and corresponding incidents. I find the witness to have testified credibly.

### **Findings of Fact**

After reviewing the testimony and evidence presented, and assessing the credibility of each witness, I **FIND** the following to be the facts of the case:

Drogin was employed by the District during the 2018–2019 school year. While employed there she engaged in certain questionable activity, such as involving herself in and furnishing advice regarding the personal lives of students; expressing suicidal thoughts to students, faculty, and staff; and engaging in conversations with students regarding inappropriate subject matters, such as her own mental-health issues. These inappropriate acts had, at times, manifested in Drogin becoming distraught and having to abruptly go home early from her post at the school. One instance, wherein Drogin pried into a student’s mental health and sexuality, caused a HIB investigation to be initiated by the student’s mother, though no HIB violation was ultimately found or substantiated. The aforementioned acts caused the District to draft tenure charges against her, though the charges were never formally filed. The aforementioned acts also form the basis of the Order to Show Cause.

During her first four years as a full-time teacher in Bayonne, Drogin never received any write-ups or disciplinary letters, up until and including the 2017–2018 school year. Bayonne had the ability to non-renew Drogin at the end of the 2017–2018 school year

(before she had tenure), but it decided to renew her for the following school year. Accordingly, Drogin earned tenure status in Bayonne after the 2017–2018 school year.

Based on the medical testimony presented, I **FIND** that Drogin had been suffering from mental and emotional stressors during the 2018–2019 school year that likely contributed to some of the conduct for which she was admonished at the time and ultimately led to the Order to Show Cause and appeal. I further **FIND**, based on the medical testimony presented, that these issues were being improperly treated and/or addressed during the period of time in question. I further **FIND**, based on the medical testimony, that Drogin’s mental health is currently being suitably treated.

### **LEGAL DISCUSSION**

The central issue in this case is whether Drogin exhibited unbecoming conduct while employed by the District, and, if so, whether said conduct warrants suspension or revocation of her certificates. The burden rests on the State to prove its case. In re Polk, 90 N.J. 550, 560 (1982). The State must demonstrate its case by a “fair preponderance of the evidence.” Id. at 569. Meeting this burden requires establishing a reasonable probability of the fact alleged and a reliable belief in the truth of the stated hypothesis. State Bd. of Exam’rs v. Ferreira, 2005 N.J. AGEN LEXIS 313 at \*80–81 (July 5, 2005) (citing Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959)), adopted, 2005 N.J. AGEN LEXIS 1227 (Sep’t 22, 2005), aff’d, 2006 N.J. AGEN LEXIS 639 (April 5, 2006).

N.J.A.C. 6A:9B-3.2(a) states in pertinent part:

(a) Upon review of certified scholastic records, documented experience, and/or examinations, the Board of Examiners shall:

1. Issue appropriate certificates to teach or to administer, direct, or supervise, the teaching, instruction, or educational guidance of students in public schools and all other certificates as the Board of Examiners is authorized to issue by law;

2. Revoke or suspend certificates issued, pursuant to N.J.A.C. 6A:9B-4.4; and
3. Refuse to issue a certificate under appropriate circumstances as set forth at N.J.A.C. 6A:9B-4.1.

Thus, the State agency here is vested with the authority to issue, revoke, and/or suspend certificates. The proposed suspension/revocation of respondent's certificates is predicated upon alleged conduct unbecoming. See N.J.A.C. 6A:9B-4.4(a), which states in pertinent part:

- (a) The Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher, or other just cause.

Unbecoming conduct must be determined on a case-by-case basis. When examining and evaluating a teacher's alleged conduct for disciplinary purposes, a wide range of conduct, both in and out of the classroom, is subject to scrutiny.

The Board and Commissioner have consistently held that teachers have been entrusted with the care and custody of children and it is their duty to exercise self-restraint and controlled behavior in the performance of their job duties. In re Lucarelli, 97 N.J.A.R.2d (EDU) 537; In re Sammons, 1972 S.L.D. 302. "While teachers are sensitive to the same emotional stresses as all other persons, their particular relationship to children imposes upon them a special responsibility for exemplary restraint and mature self-control." See In re Tenure Hearing of Appleby, 1969 S.L.D. 159, 173 (quoting In re Tenure Hearing of Fulcomer, 1962 S.L.D. 160, 162). "[C]hildren are entitled to a supportive and nurturing classroom environment in which to develop their intellectual capacities and bolster their self-esteem. Adolescents are especially vulnerable to the influences of their teachers, who serve as role models and help to shape how youngsters actually view themselves. Constant negativity and insensitivity in dealing with students is a serious deficiency which constitutes conduct unbecoming a teacher." In re Tenure Hearing of Johnston, 95 N.J.A.R.2d (EDU) 439, 443 (citing In re Tenure Hearing of Gilbert, 1982 S.L.D. 274, 326).

It appears that Drogin acted, at times, overly sensitive to her students' needs, and possibly intervened in certain students' personal lives and expressed her thoughts, concerns, and advice where they, arguably, did not belong. The greatest manifestation of this was in a HIB complaint drafted against Drogin, which was ultimately dismissed, but did result in a "no-contact" agreement drafted by the District. While such a scenario may be cause for concern, it appears the underlying intent or purpose of Drogin's interaction with the student was not to cause harm or negatively affect the student; rather, it appears that this was another example of Drogin pushing too far into a student's personal life in an effort to provide advice and support.

A similar situation occurred with the scenario wherein one of Drogin's students broke up with his girlfriend, who then threatened suicide. While proper protocols would have required that the situation be referred to a District office that handles such issues, Drogin chose to instead provide personal advice and counseling to the student.

While Drogin's actions did not have the beneficial effects on the students that Drogin may have been seeking, I **CONCLUDE** that there is no evidence to show that her interactions with these students were intended to malign or in any way harm the students. While said conduct, along with associated outbursts and erratic behavior, may tend to show that Drogin was unable to control her emotions at times, medical testimony showed that Drogin was experiencing an ongoing mental-health crisis during the time in question, which likely affected her actions. Drogin has subsequently sought treatment for these issues, and her treating physician has testified credibly, and I have **FOUND**, that said issues are no longer cause for concern.

### **CONCLUSION**

Based on the foregoing, I **CONCLUDE** that the Board has failed to show by a preponderance of the credible evidence that respondent Randi Drogin's certificates should be suspended or revoked.

**ORDER**

It is hereby **ORDERED** that the District's Order to Show Cause be **DENIED**; it is further **ORDERED** that respondent Randi Drogin's certificates remain intact.

I hereby **FILE** my initial decision with the **STATE BOARD OF EXAMINERS** for consideration.

This recommended decision may be adopted, modified or rejected by the **STATE BOARD OF EXAMINERS**, which by law is authorized to make a final decision in this matter. If the State Board of Examiners does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE STATE BOARD OF EXAMINERS, 100 Riverview Plaza, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

May 31, 2023

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
**JUDE-ANTHONY TISCORNIA, ALJ**

Date Received at Agency:

5/31/23

Date Mailed to Parties:

5/31/23

id

**APPENDIX**

**LIST OF WITNESSES**

**For Petitioner:**

Kenneth Kopacz  
Timothy Craig  
Christina Casais  
Kathy Bingham  
Renaë Bush  
Richard Baccarella

**For Respondent:**

Dr. Ruby Kapadia  
Randi Drogin

**LIST OF EXHIBITS IN EVIDENCE**

**For Petitioner:**

- P-1 December 5, 2018, Memo on investigation and findings of retaliation complaint
- P-2 December 10, 2018, letter to R. Drogin re: conclusion of investigation of retaliation complaint
- P-3 March 12, 2019, email re: second HIB claim
- P-4 May 2019 Tenure Charges
- P-5 September 20, 2018, email
- P-6 March 27, 2019, letter regarding HIB finding
- P-7 January 11, 2019, memo
- P-8 February 14, 2019, no-contact agreement
- P-9 March 12, 2019, letter to R. Drogin
- P-10 HIB Written Report (September 2018–February 2019 incidents)

- P-11 March 20, 2019, email
- P-12 October 19, 2018, letter
- P-13 HIB Report—incident of December 15, 2018
- P-14 February 11, 2019, memo/ attached notes re: 2/8/19 meeting
- P-15 April 1, 2019, incident notes
- P-16 May 6, 2019, letter informing Drogin of tenure charges
- P-17 Board of Examiners Order to Show Cause

For Respondent:

- R-1 CV of Dr. Ruby Kapadia
- R-2 Medical Report of Randi Drogin, dated 6/17/21
- R-10 Medical Note, dated 12/8/17
- R-12 Medical Note, dated 10/19/18
- R-14 Settlement Agreement and General Release

\*\*\*\*The nonsequential numbering of exhibits reflects the fact that numerous pre-marked exhibits were neither identified nor offered into evidence.