

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
GLORIA WOOLARD : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0304-174

At its meeting of January 17, 2002, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Gloria Woolard from her tenured position with the State-Operated School District of the City of Newark (hereafter "Newark") for charges of unbecoming conduct. Woolard currently holds a Teacher of the Handicapped certificate.

This case originated on December 11, 1996 when Newark certified tenure charges against respondent, Gloria Woolard. Woolard was employed as a Teacher of the Handicapped. The district charged her with unbecoming conduct for participating in a scheme that defrauded the State Health Benefits Commission. Woolard had submitted false claims for psychological services she had not received.

Prior to submitting her answer to the charges, Woolard asked the Commissioner to hold the tenure matter in abeyance pending resolution of criminal charges against her stemming from the same occurrence. The Commissioner of Education granted Woolard's request on February 6, 1997. On August 28, 1998, Woolard requested that the tenure matter proceed and filed her Answer to the tenure charges on September 28, 1998. The Commissioner of Education then transmitted the case to the Office of Administrative Law (OAL). The Administrative Law Judge (ALJ) assigned to the case set the tenure hearing for March 20, 2000. On March 16, 2000, Newark's attorney requested that the tenure matter not proceed because at her criminal trial Woolard had pled guilty and, as part of the plea agreement, forfeited her tenured position in the district. The ALJ denied

the request and notified the parties that the hearing would proceed as scheduled. Woolard did not appear at the hearing and the ALJ then set a mandatory hearing date of August 1, 2000. Once again, Woolard did not appear and the ALJ returned the matter to the Commissioner. Woolard's attorney wrote to the Commissioner claiming that he had never received notice of the revised hearing date. Woolard also wrote to her attorney claiming that she had not been able to reach him and that she thought the tenure matter had been resolved since she had pled guilty in criminal court in April.

In a decision dated October 2, 2000, the Commissioner of Education determined that Woolard's failure to appear at her administrative hearing despite a warning from the ALJ that her appearance was mandatory coupled with her plea in the criminal matter and the forfeiture of her tenured position was tantamount to an admission of the charges. The Commissioner therefore concluded that Woolard's actions constituted unbecoming conduct and warranted her removal from her tenured employment as a teaching staff member with Newark. (Commissioner's Decision, slip op. at 4.) Accordingly, the Commissioner ordered Woolard's removal from her tenured employment with Newark and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Woolard's certificate.

Thereafter, on January 17, 2002, the State Board of Examiners issued Woolard an Order to Show Cause as to why her certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Woolard the Order to Show Cause by regular and certified mail on April 5, 2002. The Order provided that Woolard must file an Answer within 20 days.

Neither the certified nor the regular mail copy was returned. Woolard did not file an Answer to the Order to Show Cause. Accordingly, the Board sent Woolard a second notice on March 26, 2003 by regular and certified mail. The regular mail was not returned and the certified copy was returned because Woolard refused to accept it. The Board then scheduled to hear the matter on June 12, 2003 and sent Woolard a notice informing her of the date. Woolard then contacted the Board and informed them that she had not received the previous notices and wanted to submit a response. The Board tabled the matter and Woolard filed an Answer on July 14, 2003. In her Answer Woolard stated that she had struggled hard to acquire her certificate and would never have neglected to appear for her hearing either before the Board or before the OAL. She also stated that she never intended to participate in any scheme knowingly to defraud the State Health Benefits Program. She added that she could not afford legal counsel to fight for what she knew was the truth. (Answer, ¶¶ 1-3.) In the remainder of her Answer, Woolard added that she never understood what she was a part of until it was explained after the fact and that she felt like one of the victims. She claimed that she had learned her lesson well and urged the Board not to make a hasty judgment. Finally, she urged the Board not to take her certificate because she did not hurt her students or anyone else and therefore her conduct was not unbecoming a teacher. (Answer, ¶¶ 4-7.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on August 29, 2003, the Board sent Woolard a hearing notice by regular and certified mail. The notice explained that, since no material facts appeared to be in dispute regarding the tenure charges, Woolard 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. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The regular mail copy of the notice was not returned and Woolard signed and returned the certified mail response card. She did not file a response to the hearing notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Woolard's conduct, her subsequent criminal conviction and loss of tenured position constitute conduct unbecoming a certificate holder. At its meeting of December 11, 2003, the State Board of Examiners reviewed the charges and Answer Woolard filed in response to the Order to Show Cause. After reviewing her response, the Board of Examiners determined that no material facts related to Woolard's offense were in dispute since she never denied that she had committed the offense nor did she deny that she had lost her tenured position and been convicted criminally because of it. Thus, Woolard has not denied the charges in the Order to Show Cause and the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.<sup>1</sup>

The State Board of Examiners must now determine whether Woolard's offense as set forth in the Order to Show Cause, provides just cause to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

---

<sup>1</sup> On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

The State Board of Examiners 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. 6:11-3.4. “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. Woolard’s acts of participating in a scheme to defraud the SHBP are inexcusable for any individual, teacher or not. Even assuming Woolard was an excellent teacher in the classroom, she has not demonstrated like behavior outside that arena.

Woolard argues that she should retain her certificate since the incident did not involve students or her duties as a teacher. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See Cox v. State Board of Examiners, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981).

Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher’s whole life is subject to scrutiny, not just her actions within the schoolhouse doors:

[R]espondent’s argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school

property. See, In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County, 1965 S.L.D. 159, aff'd State Board of Education 1970 S.L.D. 448; In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County, 1971 S.L.D. 623.

In the Matter of the Tenure Hearing of Robert H. Beam, 1973 S.L.D. 157, 163. Woolard therefore cannot exclude her "out-of-school" behavior from this tribunal's examination.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). There can be no dispute that Woolard's participation in a scheme to defraud the SHBP negates any claim she can have to being a role model for children. Thus, the only proper response to Woolard's breach is revocation.

Accordingly, it is therefore ORDERED that Gloria Woolard's Teacher of the Handicapped certificate be revoked on this 11th day of December 2003. It is further ORDERED that Woolard return her certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, P.O. Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

---

Joan E. Brady, Secretary  
State Board of Examiners

Date of Mailing: April 20, 2004

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.