

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KELLY GIBBONS : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-203

At its meeting of January 22, 2004, the State Board of Examiners reviewed information received from the Division of Youth and Family Services (hereafter DYFS) substantiating allegations that Kelly Gibbons had sexually abused a student. Gibbons was alleged to have had a sexual relationship with a sixteen-year-old student at the high school where she was employed. Gibbons did not appeal the DYFS findings. Gibbons currently holds a Teacher of Health and Physical Education Certificate of Eligibility, issued in December 2001 and a Teacher of Health and Physical Education certificate, issued in August 2003. Upon review of the above information, at its January 22, 2004, meeting, the State Board of Examiners voted to issue Gibbons an Order to Show Cause.

The Board was unable to locate Gibbons to serve her with the Order to Show Cause. Accordingly, the Board published notice of the Order in the Home News Tribune newspaper on August 15 and 16, 2004. Gibbons did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gibbons' sexual abuse of a student constitutes conduct unbecoming a certificate holder. Since Gibbons did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. *N.J.A.C. 6A:9-17.7(c)*. Since Gibbons' conduct, as set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against her certificates pursuant to *N.J.A.C. 6A:9-17.7(c)*. It finds that it does.

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. 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.

Furthermore, 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, Gibbons’ sexual abuse of a student is inexcusable behavior for any individual, teacher or not. Her behavior demonstrates that she is unfit to serve in New Jersey’s classrooms. Thus, the only proper response to Gibbons’ breach is revocation.

Accordingly, it is therefore ORDERED that Kelly Gibbons’ Teacher of Health and Physical Education Certificate of Eligibility and Teacher of Health and Physical Education certificate be revoked on this 9th day of December 2004. It is further ORDERED that Gibbons return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: January 31, 2005

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