

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JEANETTE NIXON : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-173

At its meeting of June 12, 2003, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed, as moot, a tenure case the Cranford Board of Education had brought against Jeanette Nixon. *In the Matter of the Tenure Hearing of Jeanette Nixon*, Docket Nos. 421-10/94 and 286-5/95 (Commissioner's Decision, March 14, 2003). Nixon currently holds a Teacher of Nursery School certificate, issued in June 1974; a Teacher of Elementary School certificate, issued in June 1974; a Learning Disabilities Teacher Consultant certificate, issued in August 1980; a Teacher of the Handicapped certificate, issued in September 1981; a Principal-Supervisor certificate, issued in August 1985; a School Business Administrator certificate, issued in January 1988; an Assistant Superintendent for Business certificate, issued in January 1988; and a School Administrator certificate, issued in September 1990.

This case originated when the Cranford Board of Education certified tenure charges against respondent, Jeanette Nixon. Cranford had employed Nixon as the Board Secretary/School Business Administrator. The district had charged her with unbecoming conduct, alleging that she was guilty of mismanagement, incompetence, unprofessional conduct, fraud and embezzlement. Nixon was convicted in federal court on charges arising from the conduct that led to the tenure charges. As a result of the conviction, Nixon forfeited her tenured position and the right to hold any future public position. Nixon's tenure hearing was held in abeyance pending the appeal of her criminal conviction. Since Nixon's conviction was affirmed, the Order of Forfeiture remained in effect. Accordingly, the Administrative Law Judge dismissed the tenure case as moot. The Commissioner adopted that decision and transmitted the matter to the State Board of

Examiners pursuant to *N.J.A.C. 6A:9-17.6* for appropriate action regarding Nixon's certificates.

Thereafter, on June 12, 2003, the State Board of Examiners issued Nixon an Order to Show Cause as to why her certificates should not be or suspended or revoked. The Order was predicated on her criminal conviction, the forfeiture of her tenured position and the charges of unbecoming conduct that were alleged in the tenure hearing.

The Board was unable to locate Nixon 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. Nixon did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Nixon's conviction and forfeiture of her tenured position constitutes conduct unbecoming a certificate holder. Since Nixon 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 Nixon's offense, 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*. 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). "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. There can be no dispute that Nixon’s criminal activities, which led to her conviction and the forfeiture of her public position, negates any claim that she can have to being a role model. Thus, the only proper response to Nixon’s breach is revocation.

Accordingly, it is therefore ORDERED that Jeanette Nixon’s Teacher of Nursery School, Teacher of Elementary School, Learning Disabilities Teacher Consultant, Teacher of the Handicapped, Principal-Supervisor, School Business Administrator, Assistant Superintendent for Business, and School Administrator certificates be revoked on this 9th day of December 2004. It is further ORDERED that Nixon 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: FEBRUARY 7, 2005

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