

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRENDA MAPP : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-165

At its meeting of June 10, 2004, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Brenda Mapp from her tenured position with the Board of Education of Trenton for charges of unbecoming conduct. In the Matter of the Tenure Hearing of Brenda Mapp, OAL Docket No. EDU 8333-02 (June 20, 2003.) Mapp currently holds Teacher of English and Teacher of Elementary School certificates.

This case originated when the Trenton Board of Education certified tenure charges against respondent, Brenda Mapp. The district charged her with unbecoming conduct for various drug offenses, teacher performance infractions and failure to follow proper procedures related to tardiness and absences. Mapp had allegedly resisted arrest, eluded police and had driven on the revoked and suspended list. In addition, the district stated that Mapp had been arrested and charged with possession of a controlled dangerous substance, possession with intent to distribute, possession with intent to distribute in a school zone, maintaining a narcotics nuisance, possession of an assault weapon with a defaced serial number, possession of hollow-nosed bullets and possession of a large capacity magazine. In addition, the district alleged that Mapp allowed her residence to be used for the preparation and distribution of a controlled dangerous substance for personal and compensatory gain. Mapp's principal also reprimanded her for falling asleep in class on numerous occasions, failing to follow proper call-out procedures, and for excessive tardiness and absenteeism.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL) on December 4, 2002. Administrative Law Judge (ALJ) Joseph Martone heard testimony on several days in April 2003. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on June 20, 2003.

In that decision ALJ Martone found that after being arrested, Mapp had indeed given the police a statement on June 7, 2001 admitting that she had allowed two other individuals to use her residence for the purpose of storing and selling cocaine and that she had received both money and cocaine from them. (Initial Decision, slip op. at 20.) The criminal charges against Mapp were dismissed after she pled guilty to a downgraded disorderly persons offense. The ALJ also found that Mapp had violated the district's call out procedures on various occasions, which resulted in a coverage problem for the district. (Initial Decision, slip op. at 20-21.) ALJ Martone also found that Mapp was asleep in her classroom, or at the very least inattentive to her students, when her principal discovered her with her back to the students for six or seven minutes. The ALJ also held that Mapp had resisted arrest and eluded police in an incident on July 10, 2000 when she was stopped initially for driving recklessly. (Initial Decision, slip op. at 22-23.)

After considering all the testimony, ALJ Martone found that Mapp's conduct was improper. The Judge found that Mapp had engaged in unbecoming conduct by: resisting arrest and eluding the police, admitting to various criminal offenses, including allowing her home to be used for criminal purposes, being inattentive to her duties in class, and failing to follow proper call-out procedures. (Initial Decision, slip op. at 23-24.)

In considering the appropriate penalty, the Judge opined that if Mapp's only improper conduct were her inattention to her class duties and her absences and tardiness following a medical procedure, then perhaps a remedy other than removal might be warranted. He concluded, however, that Mapp's other infractions involving her criminal activities were so egregious as to allow no other result. (Initial Decision, slip op. at 26). Thus, based on his review of the entire record, the ALJ concluded that Mapp's breach was too substantial to allow for her continued employment in the district. (Initial Decision, slip op. at 26). Consequently, the ALJ ordered Mapp dismissed from her tenured employment. (Initial Decision, slip op at 26-27.)

In a decision dated August 5, 2003, the Commissioner of Education affirmed the ALJ's Initial Decision as to the tenure charges against Mapp. The Commissioner agreed with the ALJ that the local board had proven its case against Mapp with regard to the tenure charges of unbecoming conduct. (Commissioner's Decision, slip op. at 32.) The Commissioner found that the outcome of the criminal charges against Mapp had no bearing on the finding of unbecoming conduct established in the tenure hearing. (Commissioner's Decision, slip op. at 32.) Accordingly, the Commissioner affirmed Mapp's removal from her tenured employment with the Trenton Board of Education and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Mapp's certificates.

Thereafter, on December 11, 2003, the State Board of Examiners issued an Order to Show Cause to Mapp as to why her certificates should not be or suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board mailed the Order to Show Cause to Mapp by regular and certified mail on March 12, 2004. The Order provided that an Answer must be filed within 30 days. Mapp filed an Answer on March 24, 2004. In her Answer, Mapp claimed that all criminal charges against her except for one disorderly persons offense were dismissed with prejudice and that therefore those allegations could not be the basis of a license revocation. (Answer, ¶¶ 5-8, 11.) Mapp also denied all of the allegations with regard to falling asleep in class and failing to follow proper call-out procedures that the district had brought in its tenure case against her. (Answer, ¶¶ 9-10.)

Thereafter, pursuant to N.J.A.C. 6A:9-17.7(e), on April 19, 2004, the Board mailed a hearing notice by regular and certified mail to Mapp. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, Mapp 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.

Mapp responded to the Hearing Notice on May 14, 2004. In that response, Mapp reiterated that all criminal charges against her from her traffic stop and arrest had been dismissed after she had completed a Pre-Trial Intervention program. (Hearing Response, p. 2.) She also stated that all criminal charges arising out of her arrest on drug offenses were also amended to a single disorderly persons offense. (Hearing Response, p.3.) As a result, Mapp argued that there was no valid basis upon which to revoke her teaching

license. She argued that her loss of a tenured position was sufficient. (Hearing Response, pp. 4-5.)

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Mapp's conduct and her subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of June 10, 2004, the State Board of Examiners reviewed the charges and papers Mapp filed in response to the Order to Show Cause. After reviewing her response, the Board of Examiners determined that no material facts related to Mapp's offense were in dispute since she had admitted to police that she was involved in drug activity in her initial statement. Moreover, she never denied that statement. Additionally, Mapp had been disciplined by her former district for inattentiveness to her duties, tardiness, absenteeism and failing to follow proper procedures. Her only argument in opposition to revocation or suspension is the fact that many of the criminal charges were ultimately dismissed. Those dismissals, however, do not negate the admission of Mapp's participation in criminal activity nor do they address her failings within the school system in fulfilling her obligations to her students and administrators. Thus, Mapp has not denied the charges in the Order to Show Cause. Accordingly, her actions as outlined in the Order constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Mapp's offenses as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to N.J.A.C. 6A:9-17.5. We find that they do.

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 Board of Education, 130 N.J.L. 369, 371 (S. 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 all of Mapp's conduct as delineated in the Order to Show Cause negates any claim Mapp can have to be a role model to children. Thus, the only proper response to Mapp's breach is revocation.

Accordingly, it is therefore ORDERED that Brenda Mapp's Teacher of English and Teacher of Elementary School certificates be revoked on this 10th day of June 2004. It is further ORDERED that Mapp return her certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: October 14, 2004

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