

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHELLE LITTLE : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-156

At its meeting of March 31, 2009, the State Board of Examiners reviewed information received from the Division of Criminal Justice and the Office of Criminal History Review indicating that respondent Michelle Little pled guilty in August 2008 to one count of Theft, 3rd Degree. As a result of the conviction, Little was sentenced to three years' probation and 200 hours of community service. She also was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Little currently holds a Teacher of Elementary School Certificate of Eligibility, issued in February 2002, and a Principal Certificate of Eligibility, issued in January 2008.

Little did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Little an Order to Show Cause at its meeting of May 11, 2009.

The Board sent Little the Order to Show Cause by regular and certified mail on May 14, 2009. The Order provided that Little must file an Answer within 30 days. Neither the certified mail copy nor the regular mail copy was returned. Little did not file a response. Thereafter, on both August 4, 2009 and October 14, 2009, the Board sent Little another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. On each occasion, the certified mail copy was returned as unclaimed and the regular mail copy was not returned. Little did not respond to the second notice either time.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 17, 2009, the Board sent Little a hearing notice by regular and certified mail. The notice explained that it appeared that no

material facts were in dispute. Thus, Little 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 disqualifying offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Little was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither mail copy was returned. Little did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Little's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Little failed to respond to the Order to Show Cause or the hearing notice, at its meeting of March 25, 2010, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Little's offense were in dispute since she never denied that she had pled guilty to the offense charged. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Little's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be dishonest and poor role models. Individuals convicted of a crime such as Theft fall

squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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. Clearly Little's actions here are not those of a role model.

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). In this case, Little has a conviction for a crime involving dishonesty. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div.), cert. denied, 65 *N.J.* 292 (1974). Moreover, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944).

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, because the Legislature considers Little's offense so

significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Little's teaching certificates.

Accordingly, on March 25, 2010 the Board of Examiners voted to revoke Michelle Little's Teacher of Elementary School and Principal Certificates of Eligibility. On this 29th day of April 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Michelle Little's certificates be effective immediately. It is further ORDERED that Little return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th