

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JULIANNA SCHULTZ : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-176

At its meeting of March 31, 2009, the State Board of Examiners reviewed information received from the Office of Criminal History Review (OCHR) indicating that respondent Julianna Schultz was convicted of Attempting to Elude Police in October 2008. As a result of the conviction, Schultz was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Schultz currently holds a Teacher of the Handicapped certificate, issued in July 1994. Schultz 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 Schultz an Order to Show Cause at its meeting of May 11, 2009.

After several failed attempts to obtain Schultz's correct current address, the Board re-sent Schultz the Order to Show Cause by regular and certified mail on February 10, 2010. The Order provided that Schultz must file an Answer within 30 days. Schultz responded on March 2, 2010. In that response, Schultz stated that she never had a problem with her criminal background check before her offense. (Answer, ¶ 1.) She admitted that she made a mistake by leaving the scene, but noted that she was not speeding, driving erratically or dangerously. (Answer, ¶ 2.) She also claimed that she would have her record expunged as soon as it was possible. (Answer, ¶ 4.) Schultz claimed that she was rushing to her son's house because he was in agony from a broken shoulder and he was home alone and in distress. (Answer, ¶ 4.) She noted that she did not know a road had been closed until she was stopped by a State Trooper for running a road block. (Answer, ¶ 4.) She added that there was no cause to revoke her certificate as she was not a

criminal but only a mother rushing to her child's side. (Answer, ¶ 6.) Finally, she stated that she regretted her mistake. (Answer, ¶ 7.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 12, 2010, the Board sent Schultz a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Schultz 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, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against her certificate. 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 certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Schultz was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Schultz did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Schultz's conviction and resulting disqualification constitute conduct unbecoming a certificate holder. At its meeting of July 22, 2010, the State Board of Examiners considered the allegations in the Order to Show Cause and Schultz's responsive pleading. The Board of Examiners determined that no material facts related to Schultz's offense were in dispute since she never denied that she had been convicted and sentenced accordingly. 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 Schultz's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificate 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 failures as role models. Individuals convicted of Attempting to Elude Police fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers should be held to a different standard: "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.

Moreover, a teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div.), cert. denied, 65 *N.J.* 292 (1974). 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). Accordingly, the State Board of Examiners finds that Schultz's disqualification from service in the public schools of this State because of her conviction for Attempting to Elude Police provides just cause to take action against her certificate.

That 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 Schultz's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on July 22, 2010 the Board of Examiners voted to revoke Julianna Schultz's Teacher of the Handicapped certificate. On this 16th day of September 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Schultz's certificate be effective immediately. It is further ORDERED that Schultz return her certificate 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.