

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MEGAN LABOY : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-219

At its meeting of July 22, 2010, the State Board of Examiners (Board) reviewed information received from the Monmouth County Prosecutor's Office indicating that on February 5, 2010, Megan Laboy pled guilty to Theft By Deception. On May 14, 2010, Laboy was sentenced to 18 months' probation and ordered to relinquish her teaching position. Pursuant to *N.J.S.A. 2C:51-2d*, Laboy was also permanently disqualified from ever holding any office, position of honor, trust or profit in the State of New Jersey or any of its administrative or political subdivisions. Laboy currently holds a Teacher of Social Studies Certificate of Eligibility With Advanced Standing, issued in February 2002 and a Teacher of Social Studies certificate, issued in March 2003. Upon review of the above information, at its September 16, 2010 meeting, the Board voted to issue Laboy an Order to Show Cause.

The Board sent Laboy the Order to Show Cause by regular and certified mail on September 23, 2010. The Order provided that Laboy's Answer was due within 30 days. Both the regular mail copy and the certified mail copy were returned because of an incorrect address. The Board re-sent the Order to Show Cause by regular and certified mail to the correct address on November 18, 2010. The certified mail receipt was signed and returned and the regular mail copy was not returned. Laboy did not file a response. Thereafter, on December 15, 2010, the Board sent Laboy a second notice by regular and certified mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Laboy did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 5, 2011, the Board sent Laboy a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Laboy 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 determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Laboy's offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Laboy was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Laboy did not respond.

The threshold issue before the Board in this matter is whether Laboy's conviction and permanent disqualification from holding any public office in the State of New Jersey or any of its administrative or political subdivisions constitutes conduct unbecoming a certificate holder. Since Laboy failed to respond to the Order to Show Cause or the hearing notice, at its meeting of June 16, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Laboy's conduct were in dispute since she never denied that she had been convicted and sentenced accordingly. Thus, the Board 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 Board must now determine whether Laboy's conviction and subsequent disqualification pursuant to *N.J.S.A. 2C:51-2*, as set forth in the Order to Show Cause, provide just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

The Board 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Laboy's act of Theft By

Deception demonstrates a dishonesty that falls far short of the role model status expected of teachers. Clearly, Laboy cannot lay claim to that status.

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). In this instance, Laboy's conviction for Theft By Deception resulted in a probationary term and a permanent disqualification from public office. Laboy's offense demonstrates egregious behavior that warrants revocation.

Accordingly, on June 16, 2011, the Board voted to revoke Laboy's Teacher of Social Studies Certificate of Eligibility With Advanced Standing and her Teacher of Social Studies certificate. On this 28th day of July 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Megan Laboy's certificates be effective immediately. It is further ORDERED that Laboy 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