

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
SAMERIA O'NEIL : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-108

At its meeting of September 16, 2010, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review indicating that respondent Sameria O'Neil was convicted in January 2003 of Aggravated Assault With Weapon-Bodily Injury. As a result of the conviction, O'Neil was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* On March 14, 2003, O'Neil was sentenced to two years' probation and ordered to perform 100 hours of community service. O'Neil currently holds a Substitute Credential which expires in July 2014. On her applications for renewal of her credential in 2006 and 2009, O'Neil responded that she had never been convicted of a crime. Upon review of the above information, at its October 28, 2010 meeting, the Board voted to issue O'Neil an Order to Show Cause.

The Board sent O'Neil the Order to Show Cause by regular and certified mail on November 3, 2010. The Order provided that O'Neil's Answer was due within 30 days. O'Neil filed a response on December 9, 2010. In that response O'Neil acknowledged that she had had an altercation with her son's father, who went to attack her son. (Answer, p.1). She stated that she tried to protect her son by hitting his father with a weapon. (Answer, p.1). She added that she was remorseful and regretted that the situation occurred. (Answer, p.1). O'Neil also apologized for the misrepresentation on her credential applications. (Answer, p.1). She said she checked "no" in response to the question about prior convictions because "I didn't consider myself a criminal for protecting my son." (Answer, p.1). She said she now understood the law and the charges against her. (Answer, p.1). In the remainder of her Answer, O'Neil stated that

she enjoyed being a substitute teacher and that she was someone upon whom the school district could rely. (Answer, p.1).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 21, 2010, the Board sent O'Neil a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, O'Neil 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 credential. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if O'Neil's offense warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. O'Neil was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. On December 31, 2010, O'Neil responded and requested to appear before the Board to testify on the sanction issue. (Hearing Response, p. 1).

O'Neil testified at the Board's meeting of March 31, 2011. In her testimony she stated that she enjoys being a substitute and meeting new students. She noted that she was sorry the unfortunate situation occurred and hoped that she would not lose her position.

The threshold issue before the Board in this matter is whether O'Neil's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of May 12, 2011, the Board considered the allegations in the Order to Show Cause, O'Neil's Answer, her Hearing Response and testimony. The Board determined that no material facts related to O'Neil's offense were in dispute since she never denied that she had been convicted of the offense charged. 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 O'Neil's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her credential 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 poor role models. Individuals who are convicted of a crime such as Aggravated Assault With Weapon-Bodily Injury and fail to disclose that fact 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, O'Neil's actions here are not those of a role model.

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 Board 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 credential 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 O'Neil's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of O'Neil's credential.

Accordingly, on May 12, 2011, the Board voted to revoke Sameria O'Neil's Substitute Credential. On this 16th day of June 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Sameria O'Neil's credential be effective immediately. It is further ORDERED that O'Neil return her credential 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