

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ALICIA PICKUL : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-126

At its meeting of October 28, 2010, the State Board of Examiners (Board) reviewed information received from the Folsom School District, the Cape May County Prosecutor's Office and the Office of Criminal History Review (OCHR) indicating that respondent Alicia Pickul pled guilty in July to Knowingly Leaving a Motor Vehicle Accident with Serious Bodily Injury. As a result of the conviction, Pickul was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Pickul currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in June 2005, a Teacher of Preschool Through Grade 3 Certificate of Eligibility With Advanced Standing, issued in September 2006, and Teacher of Preschool Through Grade 3 and Teacher of Elementary School in Grades K-5 certificates, both issued in May 2007.

Pickul did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of December 9, 2010 to issue Pickul an Order to Show Cause why her certificates should not be revoked.

The Board sent Pickul the Order to Show Cause by regular and certified mail on December 16, 2010. The Order provided that Pickul must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Pickul did not file a response. Thereafter, on January 24, 2011, the Board sent Pickul another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Pickul did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 14, 2011, the Board sent Pickul a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Pickul 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 Board would determine if her disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Pickul was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension, Pickul submitted a written response on May 6, 2011, which provided background details regarding her offense and the steps she had taken toward rehabilitation. Pickul also asked to appear before the Board.

In her response, Pickul acknowledged that she exercised extremely poor judgment when she operated a motor vehicle after consuming alcohol following her use of prescription medication. (Hearing Response, p. 2). She claimed that she suffers from an anxiety disorder and took prescribed medication appropriately before attending a college reunion. (Hearing Response, p. 2). At the reunion, Pickul consumed some alcohol and became separated from friends who had offered her an alternative to driving herself home. (Hearing Response, pp. 2-3). As she drove home, Pickul struck another vehicle, causing serious injury to its two occupants. (Hearing Response, p. 3). Pickul continued down the road and later struck a telephone pole before she was arrested. (Hearing Response, p. 3). She has no memory of the incident that night as she “was on the edge of a black-out state.” (Hearing Response, p. 3). Pickul was sentenced to three years in prison, but later qualified for admission to the Intensive Supervision program (ISP) where she must attend AA meetings, maintain full-time employment, perform community service, cease all alcohol/drug consumption, make twice-weekly visits to an ISP officer, have thrice daily contact with an ISP supervisor, direct 20% of her earned income to ISP and court fines, submit to random urine screenings twice a week, submit to optional breathalyzer tests, adhere to a six p.m. curfew and remain in New Jersey unless granted permission otherwise. (Hearing Response, pp. 3-4). Pickul added that she had met all of these conditions and had paid other court fines. (Hearing Response, p. 4). She also stated that she had written letters to each of her victims expressing deep remorse for her actions. (Hearing Response, p. 4). In the remainder of her response, Pickul outlined her excellent academic credentials, detailed her

community involvement and noted that she was respected by her peers, students, their parents and by school administration and community members as evidenced by the approximately 100 letters of support submitted to the Judge before her sentencing. (Hearing Response, pp. 4-5). Finally, Pickul argued that her certificates should be suspended, rather than revoked. (Hearing Response, pp. 6-7).

In her testimony before the Board on June 16, 2011, Pickul noted that the date of the incident was the worst night of her life because she hurt two victims and let down her family, her students and their parents. She stated that it was always her dream to be a teacher and added that she especially loved working with special needs students. Pickul said the night of the accident changed her whole life and that she has used this experience to help others. She stated that she did not want this incident to “define who she is.” She added that she is involved in AA and speaks to other rehabilitation groups and reaches out to others. She noted that she could be an asset in teaching others that even though your actions may hurt someone, you can redeem yourself and make your life better. Pickul said that she prays for her victims every day and takes full responsibility for what happened.

Pickul’s attorney, Brian Howell, also spoke to the Board. He argued that the appropriate penalty here should be suspension, not revocation and noted that Pickul was on the verge of tenure when the incident happened. He added that she was not a threat to students and that “the risk is as low as I can imagine.” Howell noted that two superintendents had sent letters of reference for her, her supervisor at her last job and the one where she went to school. Howell added that a human being can have an hour or two of bad conduct and survive to influence children regarding the consequences of making bad decisions.

The threshold issue before the Board in this matter is whether Pickul’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of July 28, 2011, the Board considered the allegations in the Order to Show Cause, Pickul’s Hearing Response and her testimony. The Board determined that no material facts related to Pickul’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 Pickul'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 a danger. Individuals convicted of a crime such as Knowingly Leaving a Motor Vehicle Accident with Serious Bodily Injury 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. Even Pickul admits that her actions here clearly 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 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 Pickul's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Pickul's certificates.

Finally, notwithstanding Pickul's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." *See In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 *N.J.A.R.* 2D (EDE) 1, 16 *aff'd*, App.

Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Pickul is active in AA and is involved in community service, while steps in the right direction, has no bearing on the decision the Board must make with regard to her certification.

Accordingly, on July 28, 2011, the Board voted to revoke Alicia Pickul's Teacher of Elementary School in Grades K-5 and Teacher of Preschool Through Grade 3 Certificates of Eligibility With Advanced Standing, and her Teacher of Preschool Through Grade 3 and Teacher of Elementary School in Grades K-5 certificates. On this 22nd day of September 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Alicia Pickul's certificates be effective immediately. It is further ORDERED that Pickul 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*.