

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DONNA JOHNSON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1112-215

At its meeting of May 17, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Division of Criminal Justice (DCJ) regarding Donna Johnson. In June 2011, Johnson was convicted of third degree Theft of Moveable Property. As a result of the conviction, Johnson was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Johnson was also ordered to forfeit her public employment and was forever barred from holding any office or position of honor, trust or profit under the State of New Jersey or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2.* Johnson currently holds a Teacher of the Handicapped certificate, issued in June 1996, a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 1996, a Teacher of Elementary School certificate, issued in September 1999, a Principal Certificate of Eligibility, issued in August 2003, a Supervisor certificate, issued in August 2003, a School Administrator Certificate of Eligibility, issued in April 2005 and a Principal certificate, issued in December 2005.

Johnson 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 June 21, 2012 to issue Johnson an Order to Show Cause why her certificates should not be revoked.

The Board sent Johnson the Order to Show Cause by regular and certified mail on June 25, 2012. The Order provided that Johnson must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Johnson did not

file a response. Thereafter, on September 25, 2012, the Board sent Johnson another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Johnson responded on October 9, 2012 asking for an extension of time to respond to the Order to Show Cause. The extension was granted and Johnson was given a deadline of November 2, 2012 to respond. Johnson never filed a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 16, 2012, the Board sent Johnson a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Johnson 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 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 her disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Johnson 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. Once again, Johnson did not respond.

The threshold issue before the Board in this matter is whether Johnson's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Johnson failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 25, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Johnson's offense were in dispute since she never denied that she had been convicted of the offense charged or 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 Johnson'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 a danger. Individuals convicted of a crime such as Theft of Moveable Property 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, Johnson'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 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. Furthermore, Johnson was also permanently barred by the sentencing court from ever holding a public position. Thus, because both the Legislature and the court consider

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

Accordingly, on January 25, 2013, the Board voted to revoke Donna Johnson's Teacher of Elementary School Certificate of Eligibility With Advanced Standing, Principal and School Administrator Certificates of Eligibility, and Teacher of the Handicapped, Teacher of Elementary School, Supervisor and Principal certificates. On this 28th day of February 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Donna Johnson's certificates be effective immediately. It is further ORDERED that Johnson 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.

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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.