

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
TARA C. KENNELLY : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-105

At its meeting of January 23, 2015, the State Board of Examiners (Board) reviewed information the Atlantic County Prosecutor's Office, the Hamilton Township Municipal Court and the Brigantine Police Department had forwarded regarding Tara C. Kennelly. In 2008, Kennelly was charged with Simple Assault-Attempts to Cause or Purposely, Knowingly or Recklessly Cause Bodily Injury to Another. According to the Criminal Complaint, Kennelly attempted to cause bodily injury to a juvenile by punching the victim in the face while she was on the ground. In 2012, Kennelly was charged with Aggravated Assault. According to the Criminal Complaint, Kennelly attempted to cause serious injury to another by punching the victim in the face, arms and head. The victim's head injury required a staple to close the wound. In both cases the charges were dismissed. Kennelly currently holds a Substitute Credential, which expires in January 2017. Upon review of the above information, at its meeting of March 12, 2015, the Board voted to issue Kennelly an Order to Show Cause as to why her credential should not be revoked.

The Board sent Kennelly the Order to Show Cause by regular and certified mail on March 17, 2015. The Order provided that Kennelly had 30 days to respond. The certified mail receipt was returned and the regular mail copy was not returned. Kennelly did not respond. Thereafter, on April 21, 2015, the Board sent Kennelly another notice by certified and regular 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 copy was not returned. Kennelly did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on May 14, 2015, the Board sent Kennelly a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Kennelly 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 Kennelly's offenses warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. Kennelly 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, Kennelly did not respond.

The threshold issue before the Board in this matter, therefore, is whether Kennelly's conduct as alleged in the two Criminal Complaints constitutes conduct unbecoming a certificate holder. Since Kennelly never responded to the Order to Show Cause, at its meeting of July 30, 2015, the Board had only the allegations contained in the Order to Show Cause to consider. The Board determined that no material facts related to Kennelly's actions were in dispute since she did not deny that she had engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Kennelly's conduct, as set forth in the Order to Show Cause, represents just cause to act against her credential pursuant to *N.J.A.C. 6A:9B-4.5*. The Board finds that it does.

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:9B-4.5*. "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, 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 matter,

Kennelly's conduct leaves no doubt that she is unfit to be a teacher. Her multiple acts of violence against another person, in one case a juvenile, demonstrate that she cannot be a role model. The Board therefore concludes that the only appropriate response to Kennelly's breach is the revocation of her credential.

Accordingly, on July 30, 2015, the Board voted to revoke Tara C. Kennelly's Substitute Credential. On this 17th day of September 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kennelly's credential be effective immediately. It is further ORDERED that Kennelly 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

RRH/MZ/th

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.