

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NICOLE M. SHENKO : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-220

At its meeting of April 6, 2017, the State Board of Examiners (Board) reviewed information the Monmouth County Prosecutor's Office (MCPO) had forwarded regarding Nicole M. Shenko. On December 14, 2015, Shenko pled guilty to Theft By Unlawful Taking in the 3rd degree. As part of her guilty plea, Shenko was also "forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions" pursuant to *N.J.S.A. 2C:51-2(d)*. Shenko currently holds a Teacher of Mathematics Certificate of Eligibility, issued in April 2007 and a Teacher of Mathematics certificate, issued in July 2008. Upon review of the above information, at its May 12, 2017 meeting, the Board voted to issue Shenko an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Shenko the Order to Show Cause by regular and certified mail on May 17, 2017. The Order provided that Shenko had 30 days to respond. Both the certified and regular mail copies were returned as "Not Deliverable as Addressed." After securing a new address for Shenko, the Board re-sent her the Order to Show Cause by regular and certified mail on June 21, 2017. The certified mail receipt was signed and returned and the regular mail copy was not returned. Shenko did not file a response.

Thereafter, on July 26, 2017, the Board sent Shenko 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. Shenko did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 21, 2017, the Board sent Shenko a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Shenko was offered an opportunity to submit written arguments on the issue of whether the conduct as set forth in the Order to Show Cause provided just cause to take action against her certificates, 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. Shenko 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, Shenko did not respond.

The threshold issue before the Board in this matter is whether Shenko’s conduct and conviction constitute conduct unbecoming a certificate holder or other just cause. Since Shenko failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of November 1, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from the MCPO. The Board concluded that no material facts related to Shenko’s offense were in dispute since she never denied that she engaged in the conduct alleged or was convicted and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(h)*. After reviewing the allegations, the Board found that Shenko had engaged in unbecoming conduct.

The Board must now determine whether Shenko’s conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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-4.4*. “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). Shenko’s conduct and conviction for Theft By Unlawful Taking is conduct that indicates a serious lapse in judgment. Shenko has demonstrated that she is ill fit to be a role model for students and the Board

therefore concludes that the appropriate response to her breach is the revocation of her teaching certificates.

Accordingly, on November 1, 2017, the Board voted to revoke Nicole M. Shenko's Teacher of Mathematics Certificate of Eligibility and her Teacher of Mathematics certificate. On this 8th day of December 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Shenko's certificates be effective immediately. It is further ORDERED that Shenko return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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.