

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ELOISE STEWART : ORDER OF REVOCATION
_____ : DOCKET NO: 1516-189

At its meeting of April 14, 2016, the State Board of Examiners (Board) reviewed information it had received from the Office of Certification and Induction (OCI) regarding Eloise Stewart. Stewart applied to the OCI for certification as a Supervisor. After being notified that she lacked 6 course credits for certification as a Supervisor, including a course in general curriculum development, she responded that a course she had taken at Hampton University, EDU 601, Social Foundations of Education, could address the requirement for a general curriculum development course. Stewart included with her reply a supposed copy of Page 508 of the Hampton University Academic Catalog for 2014-16, which included the course description for EDU 601. The course description she submitted purported to show that EDU 601 included study in curriculum development.

Comparison with the authentic Hampton University Academic Catalog for 2014-16 revealed that the copy of Page 508 Stewart submitted was altered as follows: the course description for EDU 601 was removed and replaced with the course description for EDU 606, Integrated Curriculum Teaching Strategies, which also appears on Page 508. In the actual catalog, the course description for EDU 606 includes study in curriculum development; the course description for EDU 601 does not. The course description for EDU 606 was then replaced with the course description for Course EDU 643, Curriculum and Instruction in Gifted Education, which appears on Page 510 of the catalog.

When Stewart was provided with an opportunity to explain the discrepancy, she submitted a copy of email correspondence she claimed came from the Dean of the School of

Education Leadership and Human Development (Dean) at Hampton confirming the authenticity of the course descriptions Stewart had submitted to the OCI. In actuality, the individual with whom Stewart corresponded was the Chairperson of the Department of Education at Hampton. However, further investigation by the OCI, including communications with the Dean at Hampton University, confirmed that the catalog page Stewart submitted was not authentic. The OCI provided Stewart another opportunity to explain the discrepancy in the course descriptions. By way of correspondence dated March 7, 2016, Stewart stated “I recently discovered that the course description page that I received from the Registrar Office and submitted to you was an error.” Stewart also noted that when she submitted this page to the Dean (actually the Chairperson), “she was also under the same impression that this was the correct course description and confirmed it via email as being accurate.” In that same correspondence, Stewart indicated that she had applied and been accepted to a certification program in order to meet New Jersey’s requirements.

Stewart currently holds a Teacher of the Handicapped certificate, issued in May 1999 and a Principal Certificate of Eligibility, issued in March 2000. After reviewing the above information, at its May 20, 2016 meeting, the Board voted to block Stewart’s application and issue an Order to Show Cause to her as to why her certificates should not be revoked.

The Board sent Stewart the Order to Show Cause by regular and certified mail on May 24, 2016. The Order provided that Stewart must file an Answer within 30 days. Stewart responded on June 27, 2016.

In her Answer, Stewart stated that when she received the letter from the OCI questioning the authenticity of her course descriptions, she reached out to the University and spoke to the Department Chair, whom she mistakenly assumed was the Dean. (Answer, ¶ 5). Stewart said

the Chair, Dr. Jallim-Hall, confirmed that the course description Stewart had submitted were correct and verified that in an email. (Answer, ¶ 5). Stewart noted that “Shortly thereafter, I received an email confirmation from the Graduate Office (not the registrar) stating that they had located the catalog of the years that I had attended graduate school from 1979-81.” (Answer, ¶ 5). Stewart claimed that when she looked at the course catalog, she realized the course description she had submitted to the OCI was in error despite the confirmation she had received from Dr. Jallim-Hall. (Answer, ¶ 5). She noted that she then wrote to the OCI indicating that she had just discovered the error and had also applied and been accepted to a certification program to fulfill the needed requirements. (Answer, ¶ 5). Stewart added that she had been employed for 37 years and had led by example for her students and colleagues. (Answer, ¶ 5). She indicated that she had no idea why someone would want to discredit her professional career and wondered whether someone in her workplace had “wanted to cause trauma in my life.” (Answer, ¶ 5). Stewart noted some of her professional accomplishments, such as completing her doctorate, publishing journal articles co-authoring a textbook and receiving a commendation letter from the Governor. (Answer, ¶ 5). She indicated that these were some of the reasons she would never risk her career “by willfully doing something unethical.” (Answer, ¶ 5). She indicated that all she had was her reputation. (Answer, ¶ 5).

Since there were material facts in dispute, on July 18, 2016, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Michael Antoniewicz heard the matter on February 3, 2017. The record closed on April 4, 2017, and the ALJ issued an Initial Decision on May 10, 2017. *In the Matter of the Certificates of Eloise Stewart*, Dkt. No. EDE 10796-16 (Initial Decision, May 10, 2017).

After reviewing the testimony and the record, ALJ Antoniewicz found that “the Board proved through the testimony and supporting documents submitted that Stewart provided a fraudulent course description, altered to add course EDU 606 for EDU 601, as support for her application for a Supervisor certificate.” (Initial Decision, slip op. at 8-9). The ALJ concluded that the evidence presented showed that “Stewart knowingly committed fraud in support of her application for a Supervisor certificate and thereby engaged in conduct unbecoming a teacher.” *Id.* at 10. ALJ Antoniewicz rejected Stewart’s position that “she received an incorrect copy of the Hampton University course catalogue with the errors therein, by pure happenstance, coincidentally supporting the requirements she needed for her Supervisor certificate.” *Ibid.* The ALJ concluded that Stewart’s position was not credible and not supported by the testimony of the Board’s witnesses, to which he gave “much weight.” *Ibid.* Accordingly, ALJ Antoniewicz ordered the revocation of Stewart’s certificates. *Ibid.* Stewart filed Exceptions in the case and the Deputy Attorney General (DAG) representing the Board filed Reply Exceptions.

In her Exceptions, Stewart argued that ALJ Antoniewicz’s determination that she had committed fraud was not supported by the record. Stewart claimed that the Board had offered no evidence of dishonesty on her part or that she knowingly intended to mislead the OCI. (Exceptions, pp. 7-8). She further argued that no one who testified asserted that she had altered any documents and the fact that “the documents may not ‘marry up’ to the language in the course catalogue cannot by itself constitute proof that they were altered, just as fraud cannot be presumed or shown by inference.” (Exceptions, p. 9). Stewart also took exception to the ALJ’s “leap” in concluding that she had engaged in conduct unbecoming when fraud or intentional misrepresentation had not been shown. (Exceptions, p. 9). Finally, Stewart argued that the

Initial Decision, which stripped her of her certificates after a nearly 40-year-long career in education without any disciplinary action, should be overturned. (Exceptions, pp. 9-10).

In his Reply Exceptions, the DAG argued that the Board should defer to the ALJ's credibility findings and pointed out the "multiple holes and inconsistencies" in Stewart's testimony that led the ALJ to conclude that Stewart's position was not credible. (Reply Exceptions, pp. 2-5). The DAG also labeled Stewart's enrollment in summer classes to make up for her deficient credits "suspect" since "there is no rational reason to sign up for and pay for classes that she had allegedly already taken while at Hampton University." (Reply Exceptions, p. 6). He also challenged Stewart's testimony that she signed up for those classes early on and "just in case," remarking that Stewart had not yet signed up for those classes until after the CIO discovered that the Hampton University course descriptions had been altered. (Reply Exceptions, p. 6). The DAG also noted that it was "more than just a coincidence" that the course descriptions Stewart submitted were altered in "exactly the right way to make it appear that [she] had completed necessary coursework she knew she was lacking." (Reply Exceptions, pp. 6-7). He therefore argued that "the reasonable conclusion, therefore, is that respondent, who needed a Supervisor certificate in order to remain in her current position, altered the course descriptions." (Reply Exceptions, p. 8). The DAG asserted that Stewart's Exceptions failed to provide any legitimate basis to overturn the ALJ's determination and urged the Board to "adopt the Initial Decision in its entirety." (Reply Exceptions, p. 9).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of June 15, 2017, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Decision and the parties' submissions, the Board voted to adopt the Initial Decision.

There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. As noted above, after assessing the evidence and the credibility of the witnesses, ALJ Antoniewicz concluded that the Board had amply demonstrated that Stewart had engaged in conduct unbecoming a teacher by submitting a fraudulent course catalogue description in support of her certification application. According to the ALJ, such conduct warranted the revocation of Stewart's certificates. (Initial Decision, slip op. at 10). After reviewing the entire record, the Board agrees with the ALJ.

“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. 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, Stewart's actions, taken as a whole, clearly demonstrate conduct that warrants action against her certificates. Her behavior is inexcusable for a teacher and especially one who aspires to take on a leadership role. The Board therefore adopts the Initial Decision.

Accordingly, on June 15, 2017, the Board voted to adopt the Initial Decision and ordered to revoke Stewart's certificates. On this 27th day of July 2017, the Board formally adopted its written decision in this matter, and it is therefore ORDERED that Eloise Stewart's Teacher of the Handicapped certificate and her Principal Certificate of Eligibility are hereby revoked, effective immediately. It is further ORDERED that Stewart 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:
Via certified and regular mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.