

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DIANNE E. ELLIS : ORDER OF SUSPENSION
_____ : DOCKET NO: 1718-179

At its meeting of January 19, 2018, the State Board of Examiners (Board) reviewed information received from the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Virginia Department of Education (Virginia) regarding Dianne E. Ellis. On July 7, 2017, Ellis surrendered her Virginia teaching certificate in response to a petition for revocation out of Virginia. The petition alleged that, on May 11, 2017, Ellis was under the influence of an alcoholic beverage and had possession of and consumed alcohol while performing her duties as a special education teacher. Ellis currently holds a Teacher of Students with Disabilities certificate and a Teacher of Elementary School in Grades K-6 certificate. Upon review of the above information, the Board voted at its meeting of March 1, 2018 to issue Ellis an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Ellis the Order to Show Cause by regular and certified mail on March 5, 2018. The Order provided that Ellis must file an Answer within 30 days. After several requests for extension due to some extenuating circumstances, Ellis filed an Answer in July, 2018.

In her Answer, Ellis indicates that she voluntarily relinquished her Virginia educator license upon the advice of counsel assigned to her. (Answer, ¶ 2). She also admits to having an alcohol problem following assault(s) and unsafe living situation. (Answer, ¶ 3). Ellis indicates that she has now maintained complete sobriety since June, 2017 and attends several Alcoholics Anonymous meetings in her Virginia community. By way of defenses, Ellis indicates she is a dedicated and passionate teacher and has made a positive and lasting impact on many students.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 7, 2019, the Board sent Ellis a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ellis 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 offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ellis was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After some extensions, February 11, 2019, Ellis filed a responsive submission.

In that response, Ellis submitted several documents, but did not include another narrative response. Ms. Ellis provided copies of criminal charges for misdemeanors, indicating that one charge was dismissed and the other she entered a plea of no contest. She also submitted letters of recommendation from her legal counsel, as well as documents that indicate her enrollment and discharge from the William J. Farley Center after completing 10 weeks of residential treatment. Ellis relied upon the papers she submitted and did not appear before the Board for a hearing.

The threshold issue before the Board in this matter is whether Ellis' conduct constitutes conduct unbecoming a certificate holder. At its meeting of June 28, 2019, the Board considered the allegations in the Order to Show Cause as well as Ellis' Answer and Hearing Response. The Board determined that no material facts related to Ellis' offense were in dispute since she admitted 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-4.6(h)*.

The Board must now determine whether Ellis' conduct, as set forth in the Order to Show Cause, represent 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). In this matter, Ellis' action in arriving to work in an intoxicated state and possessing alcohol on school grounds is conduct that indicates a serious lapse in judgment. Nonetheless, it is clear that Ellis had an otherwise successful career prior to this incident and has continued to pursue therapy and complete residential treatment. In light of this mitigating evidence, the Board therefore concludes that the appropriate response to Ellis' breach is a two (2) year suspension of her certificates.

Accordingly, on June 28, 2019, the Board voted to suspend Dianne Ellis' Teacher of Students with Disabilities certificate and a Teacher of Elementary School in Grades K-6 certificate, for a period of two (2) years. On this 1st day of August, 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Ellis' certificates be effective immediately. It is further ORDERED that Ellis 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.

Rani Singh, Acting Secretary
State Board of Examiners

**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.