

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SHELLY TUCKER QUINTANA : ORDER OF SUSPENSION
_____ : DOCKET NO: 1718-270

At its meeting of September 21, 2018, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Texas Education Agency (TEA) had forwarded regarding Shelly Tucker Quintana. In July 2017, Quintana was found unconscious in a car with a small child on her lap. The car was parked, not running and the windows were up. Quintana was charged with Public Intoxication and Abandoning/Endangering a Child. She later pled guilty to Assault Causing Bodily Injury. According to the information TEA provided, Quintana agreed to a two-year suspension of her Texas certificate after she pled guilty to the criminal charges.

In New Jersey, Quintana currently holds a Teacher of Speech Arts and Dramatics certificate. Upon review of the above information, at its November 1, 2018 meeting, the Board voted to issue Quintana an Order to Show Cause as to why her certificate should not be suspended.

The Board sent Quintana the Order to Show Cause by regular and certified mail on November 7, 2018. The Order provided that Quintana had 30 days to respond. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Quintana did not respond. On December 18, 2018, the Board sent Quintana 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 mail copy was not returned. Quintana did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 29, 2019, the Board sent Quintana 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, Quintana 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 certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Quintana's offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Quintana 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, Quintana did not file a response.

The threshold issue before the Board in this matter is whether Quintana's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Quintana 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 April 12, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the TEA. The Board concluded that no material facts related to Quintana's offense were in dispute since she never denied that she had engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Quintana had engaged in unbecoming conduct.

The Board must now determine whether Quintana's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificate 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). Quintana's actions which led to her plea to Assault Causing Bodily Injury and her agreement to the two-year suspension of her Texas

educator's license clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is a four-year suspension of her New Jersey certificate.

Accordingly, on April 12, 2019, the Board voted to suspend Shelly Tucker Quintana's Teacher of Speech Arts and Dramatics certificate for a period of four years. On this 17th day of May 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Quintana's certificate is hereby suspended for four years, effective immediately. It is further ORDERED that Quintana return her certificate 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.