

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
LISA DAVENPORT : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1718-265

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 and the Texas Education Agency (TEA) forwarded regarding Lisa Davenport. Davenport's Texas certificate was suspended from November 14, 2016 until June 1, 2018 following allegations she used corporal punishment to discipline young students. According to the information TEA provided, Davenport received reprimands in 2005 and 2015 for using corporal punishment. In addition, in May 2016, another employee of the District where Davenport was employed complained about her use of corporal punishment. Davenport was allowed to resign in exchange for signing a settlement agreement with the District.

Davenport currently holds a Teacher of English, Teacher of Speech and Dramatic Arts, and Speech Correctionist certificates. Upon review of the above information, at its June 28, 2019 meeting<sup>1</sup>, the Board voted to issue Davenport an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Davenport the Order to Show Cause by regular and certified mail on July 1, 2019. The Order provided that Davenport had 30 days to respond. Davenport filed an Answer on July 30, 2019.

In that Answer, Davenport indicated that she was reprimanded for using corporal punishment in her classroom in Texas. She admitted that she did "swat" a child. She stated that she did not spank or use extreme force. Finally, she indicates she believes she does not have a choice but to accept whatever decision the Board makes in this matter.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), the Board sent Davenport a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Davenport was offered an opportunity to submit written arguments on the issue of whether the conduct

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<sup>1</sup> The Board originally issued an Order to Show Cause to Davenport on or about November 2018, but there was an error on the Order. Accordingly, the Board issued a new Order on July 28, 2019.

addressed 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 determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in his defense, the Board would determine if Davenport's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Davenport was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Davenport filed a response indicating that she is not disputing any of the information from TEA and that she declines the offer to appear before the Board. Accordingly, the matter was scheduled for a hearing on the papers at the Board's December 13, 2019 meeting.

The threshold issue before the Board in this matter is whether Davenport's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of December 13, 2019, the Board considered the allegations in the Order to Show Cause, the Answer and the additional submission. The Board determined that no material facts related to Davenport's offense were in dispute since she admitted that she engaged in the alleged conduct and withdrew from the matter. 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 Davenport engaged in unbecoming conduct.

The Board must now determine whether Davenport'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). Davenport's conduct in

swatting a student and engaging in corporal punishment as indicated by the TEA, clearly indicates a serious lapse in judgment. However, given the lack of detail from the TEA as to the egregious nature of the corporal punishment and swatting, the Board concludes that the appropriate response to her breach is a two-year suspension of her certificates.

Accordingly, on December 13, 2019, the Board voted to suspend Lisa Davenport's Teacher of English, Teacher of Speech and Dramatic Arts, and Speech Correctionist certificates for a period of two years. On this 23<sup>rd</sup> day of January, 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that Davenport's certificates are hereby suspended for a period of two years, effective immediately. It is further ORDERED that Davenport 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.

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Rani Singh, 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.