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| IN THE MATTER OF              | : | NEW JERSEY DEPARTMENT OF EDUCATION |
| THE CERTIFICATE OF            | : | STATE BOARD OF EXAMINERS           |
| KATIE D. DAVENPORT<br>(LOANE) | : | ORDER OF REVOCATION                |
| _____                         | : | DOCKET NO: 2021-105                |

At its meeting of September 18, 2020, the State Board of Examiners (Board) reviewed information received from the Hunterdon County Prosecutor’s Office and the Office of Student Protection (OSP) regarding Katie D. Davenport (Loane). On December 15, 2018, Davenport was charged with two (2) counts of Resisting Arrest/Eluding - Motor Vehicle Operation Risk of Death/Injury (2<sup>nd</sup> degree), Aggravated Assault on Law Enforcement – Bodily Injury (3<sup>rd</sup> degree), Resisting Arrest/Eluding – Flights Prevents Arrest (4<sup>th</sup> degree), Resisting Arrest/Eluding MV Operation - Risk of Death (2<sup>nd</sup> degree), five (5) counts of Aggravated Assault – Attempt to Cause Bodily Injury with a Deadly Weapon (3<sup>rd</sup> degree), Unlawful Possession of Weapon (4<sup>th</sup> degree), Possession of Weapon for Unlawful Purpose (3<sup>rd</sup> degree), and Throwing Bodily Fluid at Law Enforcement Office (4<sup>th</sup> degree) after she drove erratically, crossed lines and lanes, swerved in and out of traffic, forcing troopers to box her car in an attempt to make a controlled stop. Davenport became aggressive and agitated during the traffic stop, attempting to strike primary and secondary trooper cars. Davenport then took an exit and again struck an occupied trooper car. The only method of apprehending Davenport was a trooper car striking her vehicle from behind, disabling it.

On October 21, 2019, Davenport pled guilty to one count of Resisting Arrest/Eluding - Motor Vehicle Operation Risk of Death/Injury (2<sup>nd</sup> degree) and one count of Aggravated Assault on Law Enforcement – Bodily Injury (3<sup>rd</sup> degree). As a result of the conviction, Davenport was sentenced to five (5) years in New Jersey State Prison. Additionally, the OSP notified the Board that, as a result of her conviction, Davenport is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Davenport currently holds a Teacher of Elementary Grades K -6 Certificate of Eligibility with Advanced Standing.

Davenport did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of December 10, 2020 to issue Davenport an Order to Show Cause as to why her certificate should not be revoked.

The Board sent her the Order to Show Cause by regular and certified mail on December 16, 2020. The Order provided that Davenport had 30 days to respond. Davenport did not respond. The Certified Mail copy was signed as received and the regular mail copy was not returned. Thereafter, on February 24, 2021, the Board sent another notice providing Davenport an additional 15 days to respond to the Order to Show Cause. The certified mail copy was noted as Davenport being on parole. A second notice was then sent, and the certified mail copy was signed as received and the regular mail copy was not returned. Once again, Davenport did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 29, 2021, 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 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 her offense warranted action against her certificate. 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. The certified mail receipt was “unclaimed”, and the regular mail copy was not returned. Davenport did not file a response.

The threshold issue before the Board in this matter is whether Davenport’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of July 30, 2021, the Board considered the allegations in the Order to Show Cause. The Board determined that no material facts related to Davenport’s offense were in dispute since she did not deny that she had engaged in the conduct alleged in the Order to Show Cause. 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 Davenport's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be inappropriate role models for them. Individuals such as Davenport, convicted of a crime involving aggravated assault and resisting arrest, fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as exemplars for their students. "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 instance, Davenport's conviction demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, because the Legislature and the Commissioner consider Davenport's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on July 30, 2021, the Board voted to revoke Katie D. Davenport's Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing. On this 17<sup>th</sup> day of September 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Davenport's certificate be effective immediately. It is further ORDERED that Davenport 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.

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Rani Singh, Secretary  
State Board of Examiners

RS/KAG/cf

**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.