

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
JENNIFER MCCLEAN : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-114

At its meeting of December 10, 2020, the State Board of Examiners (Board) reviewed information the Morris County Prosecutor's Office and the Office of Student Protection (OSP) forwarded regarding Jennifer McClean. On December 22, 2019, McClean was criminally charged with Endangering a Developmentally Disabled Person, Simple Assault and Harassment-Striking. McClean served as the live-in caretaker for a developmentally disabled adult. The victim's parents reported that another caretaker advised them that McClean shoved and struck the victim; security cameras in the home confirmed the striking, which left facial bruising on the victim.

McClean punched the victim in her face under her right eye. She also grabbed the victim by the back of the neck and shoved her to the side which resulted in the victim temporarily losing balance and staggering to the side. During the course of the criminal investigation McClean admitted to striking and shoving the victim. On April 20, 2020, McClean received 24 months pretrial intervention for the charges.

McClean currently holds a Substitute Credential, which expires in July 2021. Upon review of the above information, at its January 22, 2021 meeting, the Board voted to issue McClean an Order to Show Cause as to why her credential should not be revoked.

The Board sent McClean the Order to Show Cause by regular and certified mail on January 27, 2021. The Order provided that McClean had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. McClean did not respond. Thereafter, on March 11, 2021, the Board sent another notice providing McClean an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, McClean did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 13, 2021, the Board sent McClean 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, McClean 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 credential. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if McClean's offense warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. McClean was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was returned. Once again, McClean did not file a response.

The threshold issue before the Board in this matter is whether McClean's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since McClean 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 June 25, 2021, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and the OSP. The Board concluded that no material facts related to McClean's offense were in dispute since she never denied 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)*. After reviewing the allegations, the Board found that McClean had engaged in unbecoming conduct.

The Board must now determine whether McClean's conduct, as set forth in the Order to Show Cause, provides just cause to act against her credential 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). McClean's actions of endangering the welfare of a developmentally disabled person by striking her clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her credential.

Accordingly, on June 25, 2021, the Board voted to revoke Jennifer McClean's Substitute Credential. On this 30th day of July 2021 the Board voted to adopt its formal written decision and it is therefore ORDERED that McClean's credential is hereby revoked, effective immediately. It is further ORDERED that McClean return her credential 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, 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.