

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KIMBERLY PINKHAM : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-153

At its meeting of February 28, 2020, the State Board of Examiners (Board) reviewed information regarding Kimberly Pinkham. The Office of Student Protection (OSP) and the Gloucester County Prosecutor's Office provided information to the State Board of Examiners (Board) regarding Pinkham. Pinkham was indicted on charges of Official Misconduct (2nd degree) and Endangering – Sexual Conduct with a Child by Non-Caretaker (3rd degree). On December 9, 2019, Pinkham pled guilty to Official Misconduct (2nd degree). Pinkham was committed to the custody of the Commissioner of the Department of Corrections for 3 years and was ordered to forfeit her teaching certificates. The OSP notified the Board that, as a result of her conviction, Pinkham is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Kimberly Pinkham is the holder of a Teacher of Handicapped, Teacher of Reading Certificate of Eligibility with Advanced Standing, and School Library Media Specialist Certificate of Eligibility with Advanced Standing.

Pinkham 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 May 14, 2020 to issue Pinkham an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Pinkham the Order to Show Cause by regular and certified mail on June 3, 2020. The Order provided that Pinkham had 30 days to respond. The certified mail card was not returned, but the item was marked received on the USPS tracking system and the regular mail was not returned. Pinkham did not respond.

Thereafter, on August 12, 2020, the Board sent Pinkham 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 signed for and the regular mail copy was not returned. Pinkham did not file a response.

Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on September 9, 2020, the Board sent Pinkham 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, Pinkham 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 his defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Pinkham was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was signed for and the regular mail copy was not returned. Once again, Pinkham did not file a response.

The threshold issue before the Board in this matter is whether Pinkham's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Pinkham 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 January 22, 2021 the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to Pinkham's offense were in dispute since she never denied that she engaged in the conduct alleged and had been

convicted and therefore 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 Pinkham engaged in unbecoming conduct.

The Board must now determine whether Pinkham'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 were not proper examples for them. Individuals convicted of crimes such as Official Misconduct 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 role models 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, Pinkham's conviction for Official Misconduct 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 Pinkham's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on January 22, 2021, the Board voted to revoke Kimberly Pinkham's Teacher of Handicapped certificate, Teacher of Reading Certificate of Eligibility with Advanced Standing, and School Library Media Specialist Certificate of Eligibility with Advanced Standing. On this 26th day of February 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Pinkham's certificate be effective immediately. It is further ORDERED that Pinkham 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, Secretary
State Board of Examiners

RS/KG/rg

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.