

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JENNIFER B. NEWBERN : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1920-186

The State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Georgia Professional Standards Commission (Commission) forwarded regarding Jennifer B. Newbern (Newbern). Newbern's Georgia educator certificates were suspended in September 2019 because of allegations that she showed colleagues a photo of a partially nude student. In New Jersey, Newbern currently holds a Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing (CEAS), issued June 2000, and a Teacher of Elementary Grades K-8 Certificate, issued May 2001. Upon review of the above information, at its July 30, 2020 meeting, the Board voted to issue Newbern an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Newbern the Order to Show Cause by regular and certified mail on August 12, 2020. The Order provided that Newbern had 30 days to respond. The certified mail receipt was unclaimed, and the regular mail copy was not returned. Newbern did not respond. On October 6, 2020, the Board sent Newbern another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed as received, and the regular mail copy was not returned. Newbern did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 2, 2020, the Board sent Newbern a hearing notice by regular and certified mail. The notice explained that pursuant to *N.J.A.C. 6A:9B-4.6(c)* the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Newbern 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 her defense, the Board would determine if Newbern's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Newbern was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed as received, and the regular mail copy was not returned. Once again, Newbern did not file a response.

The threshold issue before the Board in this matter is whether Newbern's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Newbern 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 February 26, 2021, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the Commission. The Board concluded that no material facts related to Newbern's offense were in dispute since she never denied that she 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 Newbern had engaged in unbecoming conduct.

The Board must now determine whether Newbern'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). Newbern's act of sharing a photo of a partially nude student with colleagues, as well as the suspension of her Georgia certificates, lead

the Board to conclude that the appropriate response to her conduct is a six-month suspension of her New Jersey certificates.

Accordingly, on February 26, 2021, the Board voted to suspend Newbern's Teacher of Elementary Grades K-8 CEAS and Teacher of Elementary K-8 Certificate for six months. On this 1st day of April 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that Jennifer B. Newbern's certificates are hereby suspended for six months, effective immediately. It is further ORDERED that Newbern 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

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.