

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
TODD FOSTER : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2021-136

At its meeting of February 26, 2021, the State Board of Examiners (Board) reviewed information provided by the Jersey City School District (Jersey City) regarding Todd Foster (Foster), a former teacher in Jersey City who entered into a mutual separation agreement with Jersey City on June 10, 2020.

On January 15, 2020, Jersey City issued Foster a letter of discipline demanding that he immediately cease all communications with students using his personal social media networking sites. It noted that students reported these communications and attached screenshots of the messages, which used profanity and concerned the use of drugs and violence. On January 16, 2020, Jersey City issued Foster a letter of discipline citing insubordination for failing to follow a directive to not come to the Frank R. Conwell Middle School.

On May 9, 2020, Jersey City issued Foster a letter of discipline for unbecoming conduct and insubordination for not complying with its previous directive to cease his interaction(s) with students on his personal social media accounts. Jersey City attached additional screenshots of Foster's personal social media accounts to the letter.

Jersey City also issued another letter of discipline to Foster on May 9, 2020 for unbecoming conduct and insubordination related to his personal relationships with multiple students after school hours. Jersey City cited student interviews during an investigation by the Department of Child Protection and Permanency's Institutional Abuse Investigation Unit (IAIU), wherein it was alleged Foster had dinner with students at restaurants, took them to the movies, rode in cars with them and paid for Uber rides with them. Jersey City also noted that posts on Foster's personal social media accounts confirmed this activity.

Foster currently holds a Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing, issued June 2017; a Teacher of Students with Disabilities Certificate of Eligibility, issued October 2017; and a Teacher of Students with Disabilities Provisional Certificate, which expires July 2021. Upon review of the above information, at its April 1, 2021 meeting, the Board voted to issue Foster an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Foster the Order to Show Cause by regular and certified mail on April 6, 2021. The Order provided that Foster had 30 days to respond. The certified mail receipt was noted via the USPS online system as unclaimed with notice left on April 13, 2021, and the regular mail copy was not returned. Foster did not respond. Thereafter, on June 8, 2021 the Board sent another notice providing Foster an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was again returned as unclaimed, and the regular mail copy was not returned. Once again, Foster did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on July 22, 2021, the Board sent Foster 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 his failure to file an Answer. Thus, Foster 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 his certificates. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Foster's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Foster 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 not returned. Once again, Foster did not file a response.

The threshold issue before the Board in this matter is whether Foster's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Foster 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 September 17, 2021, the Board considered only the allegations in the Order to Show Cause and the information received from Jersey City. The Board concluded that no material facts related to Foster's offenses were in dispute since he never denied that he 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 Foster had engaged in unbecoming conduct.

The Board must now determine whether Foster's conduct, as set forth in the Order to Show Cause, provides just cause to act against his 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). Foster’s actions of using social media and profanity with students, and texting students about drugs, and gang activity clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificates.

Accordingly, on September 17, 2021, the Board voted to revoke Todd Foster’s Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing, issued June 2017; a Teacher of Students with Disabilities Certificate of Eligibility, issued October 2017. On this 28<sup>th</sup> day of October 2021 the Board voted to adopt its formal written decision and it is therefore ORDERED that Foster’s certificates are hereby revoked, effective immediately. It is further ORDERED that Foster return his 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.