

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NICOLE OATES (DIODATO) : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-137

At its meeting of February 26, 2021, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) had forwarded regarding Nicole Oates. NASDTEC and the Commonwealth of Pennsylvania Professional Standards and Practices Commission (Pennsylvania Commission) provided information to the State Board of Examiners (Board) regarding Oates. On August 13, 2019, Oates pled guilty to the charge of Endangering the Welfare of Children in the Berks County Court of Common Pleas. On January 31, 2020, the Pennsylvania Commission revoked her educator certificate(s) based on the undisputed conviction of Endangering the Welfare of Children.

Oates currently holds a Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing, issued February 2009 and a Teacher of Students with Disabilities Certificate of Eligibility, issued October 2010. Upon review of the above information, at its April 1, 2021 meeting, the Board voted to issue Oates an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Oates the Order to Show Cause by regular and certified mail on April 6, 2021. The Order provided that Oates had 30 days to respond. The certified mail copy green card was returned as received and the regular mail copy was not returned. Oates did not respond. On May 25, 2021, the Board sent Oates 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 green card was returned as received and the regular mail copy was not returned. Oates did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on July 21, 2021, the Board sent Oates 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, Oates 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 Oates's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Oates was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy green card was returned as received and the regular mail copy was not returned. Once again, Oates did not file a response.

The threshold issue before the Board in this matter is whether Oates's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Oates 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 NASDTEC and Pennsylvania. The Board concluded that no material facts related to Oates'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 Oates had engaged in unbecoming conduct.

The Board must now determine whether Oates'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). Oates's conviction for Endangering the Welfare of Children and revocation of Pennsylvania educator certificate(s) is clearly

conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificates.

Accordingly, on October 28, 2021, the Board voted to revoke Nicole Oates's Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing and Teacher of Students with Disabilities Certificate of Eligibility. On this 28th day of October 2021 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Oates's certificates be effective immediately. It is further ORDERED that Oates 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

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.