

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LUZ RAVINES : ORDER OF SUSPENSION
_____ : DOCKET NO: 1617-156

At its meeting of December 9, 2016, the State Board of Examiners (Board) reviewed information it received from the State-Operated School District of the City of Newark (Newark) regarding Luz Ravines. Newark certified tenure charges of unbecoming conduct a teacher against Ravines and thereafter the parties entered into a Settlement Agreement, which was approved by the arbitrator assigned to the case pursuant to *N.J.S.A.* 18A:6-16. Newark alleged that Ravines engaged in inappropriate physical and verbal contact with students, as well as inappropriate activities such as shopping online or using Facebook during instructional time.

Specifically, it was alleged that on January 21, 2015, while acting as a substitute for the absent teacher in the class to which she was assigned as the inclusion teacher, Ravines struck several students after they refused to take their seats. One student, N.S., reported that Ravines hit him on the back of his head with an empty water bottle while telling him to sit down. Another student, D.R., reported that Ravines slapped her on the back of the neck and pushed her into a wall closet after she did not immediately follow instructions to sit down. D.R. went to see the school nurse and was given an ice pack for pain in her shoulder.

The Department of Children and Families, Institutional Abuse Investigation Unit (IAIU) investigated the allegations against Ravines. The IAIU report found that Ravines hit two additional female students on their arms and necks, hit another male student on the head with a water bottle, threw a paper airplane back at a student and used inappropriate language towards students, including using an expletive in Spanish and telling them to “shut up.” The IAIU report also

revealed that Ravines spent class time on her cell phone and on the computer, looking at Facebook and shopping for clothing. Ravines denied using the classroom computer, first alleging that it did not work and then stating that it was off the entire school day. Newark's own investigation corroborated the IAIU findings regarding the physical contact and computer use, and further established that Ravines had logged on to the classroom computer at 11:58:33 on January 21, 2015.

Ravines currently holds a Teacher of the Handicapped certificate and a Teacher of Spanish Certificate of Eligibility. After reviewing the above information, at its January 19, 2017 meeting, the Board voted to issue an Order to Show Cause (OSC) to Ravines as to why her certificates should not be revoked.

On January 20, 2017, the Board sent Ravines the OSC by regular and certified mail. The OSC provided that Ravines must file an Answer within 30 days pursuant to *N.J.A.C. 6A:9B-4.6(b)*. On February 17, 2017, Ravines submitted an answer in which she admitted that Newark brought tenure charges against her, that she entered into a stipulation of settlement, and that she resigned from Newark. She acknowledged the IAIU conducted an investigation but denied the allegations as to her conduct. As there were material facts in dispute, on March 29, 2017, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing.

The hearing in this matter was held in-person on October 15 and October 16, 2019. The record closed on December 14, 2023. On January 16, 2024, Administrative Law Judge (ALJ) Julio C. Morejon issued an Initial Decision in the case. *In the Matter of the Certificates of Luz Ravines*, OAL Dkt. No. EDE 04516-17 (Initial Decision, January 16, 2024).

After the hearing in this matter, the ALJ found that the evidence supported that Ravines committed conduct unbecoming a teacher, warranting a thirty-day suspension of her certificates. *Id.* at 20-21. In so doing, the ALJ found as uncontested facts that Ravines was tasked to fill in for

a sixth-grade general education teacher on January 21, 2015, and that students in one of the classes “were unruly and refused to remain in their seats, running around the classroom, throwing paper airplanes and being disrespectful to Ravines.” *Id.* at 5. Further, contrary to district policy, Ravines used her personal cell phone during the class and viewed some shopping advertisements that popped up on the classroom computer when she logged on in an attempt to search for materials to use with the class. *Ibid.* Several students made complaints about the disorder in Ravine’s classroom that day. *Ibid.* The ALJ also found that the IAIU and the district conducted investigations and that the IAIU determined physical abuse or injury to a student was not established. *Ibid.*

After hearing testimony from four witnesses on behalf of the Board and testimony from Ravines, the ALJ found that the testimonies provided by the Board’s witnesses were credible and believable. *Id.* at 6, 14. The ALJ also found credible Ravines’ testimony that she feared for her safety because of the students’ unruliness, and that she did not use the internet for her personal use or to look at Facebook. *Id.* at 14. However, the ALJ found Ravines’ testimony denying striking or pushing students was undermined by her admission to having physical contact with one male student on his back, and that her testimony that the computer monitor faced the wall was rebutted by one of the Board’s witnesses. *Ibid.*

As to the specific allegations of conduct, the ALJ found that Ravine’s violation of district policy by using her cell phone during class to make four calls, totaling thirteen minutes during a two hour class, did not rise to the level of conduct unbecoming an educator because it was addressed by the district when tenure charges were filed against her. *Id.* at 17. The ALJ also found that looking at a pop-up ad for personal reasons “does not rise to the level of conduct unbecoming, as these are often unavoidable when searching the internet.” *Id.* at 18. Further, the ALJ found that

Ravines pushed a student into a closet, placed her hands on the back of necks of two other students, and used a water bottle to make contact with a student's back to get him to stop running around. *Id.* at 18-19. The ALJ concluded that Ravines improperly touched D.R. and Y.R., and, by her own admission, she also improperly touched S.O. with the empty water bottle. *Id.* at 20. The ALJ concluded such actions were unbecoming conduct. *Ibid.*

As to penalty, the ALJ found that a resignation from the district and a request by the Board to revoke was excessive when viewed in the total context and that there were mitigating factors that warranted less than revocation of her certificates. *Id.* at 21. Specifically, Ravines had just returned from medical leave related to an incident that occurred in her classroom and was placed in a situation that was unsuitable for her return. *Ibid.* Thus, the ALJ concluded a 30-day suspension was appropriate. *Ibid.*

Both parties filed multiple requests for extensions of time to file exceptions to the ALJ's initial decision, which the Board granted. Accordingly, the Board sought extensions of time with the OAL to adopt, modify or reject the initial decision.

Ravines filed Exceptions which argue that the imposition of a 30-day suspension is not appropriate and serves no purpose considering the circumstances of the subject incident, and the fact that Ravines was an effective educator with Newark for more than thirteen years and has successfully been working as a teacher with Elizabeth School District for another seven years. (Ravines Exceptions, p. 2). Further, Ravines argues that "no extreme and egregious conduct exists here to warrant even a 30-day suspension of [her] teaching certificates." *Id.* at 3. Ravines also argues that she has already been sufficiently disciplined by Newark filing tenure charges and her resigning her position, and that no suspension of her teaching certificates is warranted and "would be unfairly harsh and clearly not commensurate with her conduct." *Id.* at 5-6. Lastly, Ravines

argues that any suspension of her certificates will deprive her students of an effective and quality teacher, result in the loss of her current employment at Elizabeth, as well as important medical benefit coverage for her and her family. *Id.* at 6. Thus, Ravines requests the Order to Show Cause be dismissed in its entirety, without any suspension. *Id.* at 6-7.

The Deputy Attorney General (DAG) representing the Board also filed Exceptions which argue that the ALJ improperly relied upon the settlement of Ravines' tenure charges and the IAIU's finding as mitigating factors warranting less of a penalty. (Board Exceptions, p.1). Further, the DAG argues the ALJ improperly found that personal phone calls during class and use of the classroom computer for personal reasons were not unbecoming conduct. *Id.* at 1-2. Thus, the DAG argues that revocation of Ravines' certificates is warranted. *Id.* at 2.

Specifically, the DAG argues that the ALJ found the Board's witnesses credible and found their testimonies as "fact." *Id.* at 18. D.T. testified that Ravines shoved a student against the closet, placed her hands on the back of students' necks, and that Ravines was looking up clothes on the computer in the classroom and talking on her cell phone during class. *Ibid.* Thus, the DAG argues that Ravines' use of the classroom computer for personal reasons and personal phone calls during class should have been found to be unbecoming conduct and the ALJ's determination that the conduct was addressed by the tenure matter was inappropriate because the decision to take action against an educator's certificates is a matter for the Board, and an employer's action does not preclude subsequent Board action. *Id.* at 20.

The DAG also asserts that Ravines' resignation is irrelevant to the consideration of an appropriate penalty as the Board, not her employer, is "empowered to determine whether [the educator] may retain h[er] certification to teach." *Id.* at 18. The IAIU's determination of physical abuse not being established does not preclude the Board from carrying out its own statutory

obligation to prosecute this matter. *Id.* at 19. The DAG also argues that “the fact that a separate agency may have found that Ravines conduct did not establish ‘physical abuse’ under a separate statutory regime is on no moment and should not serve as a mitigating factor.” *Id.* at 19-20. Thus, the DAG argues Ravines’ actions warrant revocation of her certificates. *Id.* at 21.

Ravines filed reply exceptions, wherein she argues that the reason she was on the class computer was because she was not provided with the lesson plans and instructional materials and was trying to locate classwork and that she was on her cell phone trying to obtain her computer password. (Ravines’ Reply Exceptions, p.2). Further, she argues that due to the great deal of stress and nervousness from the students’ misbehavior and disrespectful behavior, she placed a telephone call to her psychologist’s office to try to schedule an appointment for after school. *Id.* at 3. Ravines also argues that the agency cannot substitute its judgment and must accord deference to the credibility determinations of the ALJ. *Id.* at 4. Further, Ravines argues that the ALJ did not base his determination to find mitigating factors solely on her resignation, “but on the fact that this physical contact between her and the students was a brief and isolated incident aggravated in large part by the extenuating circumstances surrounding her assignment to that classroom.” *Id.* at 5. Lastly, although Ravines acknowledges the Board is not bound by the determinations of the district or the IAIU, the decisions cited by the Board do not support the revocation of her certificates. *Ibid.*

The DAG also filed reply exceptions, wherein she notes that Ravines does not take exception to the ALJ’s finding that she engaged in unbecoming conduct when she improperly touched students in her classroom. (DAG’s Reply Exceptions, p. 2). The DAG further notes that the ALJ found that Ravines admitted using her personal cell phone during class and thus violated district policy and that the district investigator’s report found that “every student noted that Ravines was on the computer looking at shoes and clothes.” *Id.* at 4. The DAG argues that Ravines

“had a general problem controlling the classroom, and that her inability to do so and her use of force against students, combined with her improper cell phone and computer use during class, warrants revocation of her certificates.” *Id.* at 2. The DAG also argues that the caselaw supports revocation where the use of physical force is used in dealings with students or for failing to properly discipline or control students. *Id.* at 3-4. Lastly, the DAG argues that an educator’s misuse of instructional time to make personal phone calls or using the computer for non-instructional purposes runs afoul of the principle that the classroom is to serve as a sanctuary for students, designed to foster learning. *Id.* at 4.

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of June 27, 2024, the Board reviewed the Initial Decision, Exceptions filed by both parties, and the Reply Exceptions filed by both parties. After full and fair consideration of the Initial Decision and submissions, the Board voted to adopt the Initial Decision, with modification as to penalty.

The Board, in reviewing the matter, does not find the ALJ’s factual and credibility findings to be arbitrary or not based on sufficient credible evidence. The ALJ’s credibility determinations were well supported and based on his first-hand observations. Accordingly, the Board is constrained by the ALJ’s findings of facts and credibility determinations in this matter. The Board does not find a sufficient basis by which it could overturn same. *N.J.A.C. 1:1-18.6(b)*.

The Board’s long-standing belief is 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. A “violation of the implicit standard of good behavior which devolves upon one who stands

in the public eye as an upholder of that which is morally and legally correct” may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)) (internal quotation marks omitted). The “elastic” concept of “conduct unbecoming” includes “conduct which adversely affects the morale or efficiency” of the public entity or “which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services.” *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960) (internal quotations and citations omitted); *see also Bound Brook Bd. of Educ.*, 228 N.J. at 13.

As noted above, after reviewing the record, the ALJ concluded that the Board sustained its burden of proof that Ravines engaged in conduct unbecoming by demonstrating Ravines’ actions in physically touching the students in her classroom. In this case, Ravines’ conduct was certainly unacceptable and certainly unbecoming of a teacher. The Board agrees that Ravines’ conduct of pushing a student into a closet and placing her hands on the back of necks of two other students, and using a water bottle to make contact with a student’s back to get him to stop running around does not comport with “role model” behavior. Further, the Board does not agree that using instructional time to make personal telephone calls during class time and using the classroom computer to shop for clothing did not rise to the level of unbecoming conduct as such actions do not comport with “role model” behavior. Thus, the Board finds Ravines engaged in unbecoming conduct.

As to the penalty to be applied, the ALJ determined that a thirty-day suspension was appropriate for the conduct based on the fact that there was also settlement of the tenure charges, which resulted in Ravines resigning. However, the Board disagrees that any penalty issued by the Board should be viewed in conjunction with the outcome of the tenure matter. Pursuant to *N.J.S.A.*

18A:38 and *N.J.A.C.* 6A:9B-4.5, the Board has the statutory and regulatory duty to take action against educator's certificates where the Board determines the conduct of a certificate holder warrants suspension or revocation. The Board acknowledges that the conduct of Ravines here is isolated to one day and that previously she had a long, unblemished career. However, her actions that day were unbecoming conduct. She failed to maintain control of her classroom and create a space designed to foster learning when she made personal phone calls and shopped for clothing on the classroom computer. She also physically touched numerous students with her hands and a water bottle, which is not conduct we expect of a role model for students. Thus, the Board finds that a one-year suspension is warranted in this matter.

Accordingly, on June 27, 2024, the Board voted to adopt the Initial Decision with modification as to penalty and ordered a two-year suspension of Blaha's certificates from the date of this Decision. On this 19th day of September, 2024, the Board formally adopted its written decision to adopt, with modification as to penalty, the Initial Decision in this matter and it is therefore ORDERED that Luz Ravines Teacher of the Handicapped standard certificate and Teacher of Spanish Certificate of Eligibility are hereby SUSPENDED for a period of one year, effective immediately. It is further ordered that Ravines 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.