

SBE #0405-329  
SB # 21-06

IN THE MATTER OF THE REVOCATION :  
OF THE TEACHING CERTIFICATES : STATE BOARD OF EDUCATION  
OF JO'ANN TROUBLEFIELD BY THE : DECISION  
STATE BOARD OF EXAMINERS. :

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Decision by the State Board of Examiners issued on April 4, 2006

For the Petitioner-Respondent, Sookie Bae, Deputy Attorney General  
(Stuart Rabner, Attorney General of New Jersey)

For the Respondent-Appellant, Ned P. Rogovoy, Esq.

In July 2005, the State Board of Examiners issued an Order against Jo'Ann Troublefield (hereinafter "appellant"), a teacher in the Atlantic City school district, to show cause why her teaching certifications should not be revoked or suspended. The Order was based on a report issued by the Division of Youth and Family Services ("DYFS") in the Department of Human Services, which had conducted an investigation of neglect allegations made against the appellant. Although DYFS concluded that neglect had not been substantiated, it expressed "concerns" about the appellant's methods of disciplining students under her care. According to the Show Cause Order issued by the Board of Examiners:

Troublefield would discipline a student by forcing the student to mix all the food in her lunch together and then eat it. She gave the student an ultimatum of eating the mixed food or not attending a school trip. In addition, if Troublefield

learned that a student had hit another child, she would direct the victim to hit the child who had initiated the incident.

Order to Show Cause, at 1.

In her Answer to the Order to Show Cause, the appellant responded, inter alia, that she:

...was the teacher of second grade at the Dr. Martin Luther King School Complex and there were approximately 17 students in her class. There was a non school trip which was under the sponsorship of another teacher in the school whose name was Linda Farmer. It was a Saturday scheduled trip whereby students in Troublefield's class could sign up to go on the Farmer sponsored trip. While any student in Troublefield's class may sign up to go on the Farmer sponsored trip, the decision as to whether or not the student could or could not participate in the trip was made by Troublefield based on the student's progress and demeanor and conduct that the student exuded from the time of signing up for the trip until the time of the trip. Specifically, when said student's [sic] would sign up, it was the hope of Troublefield that their conduct would be held in check and improve because of the fact that they were looking forward to not being disqualified from participating in the trip. D.W. signed up for the Farmer sponsored trip, but two or three days prior to the actual trip itself, she stole another students [sic] homework, erased that students [sic] name and placed her name on top of the homework and handed it in as if it were hers. When confronted, she denied committing the act and she used hysterics in order to try and convince Troublefield that she was innocent of the act. Troublefield ultimately determined that she was not telling the truth, therefore, Troublefield advised her that she could not go on the Farmer sponsored trip. Knowing that the child was terribly upset about not being able to go and that her home environment would never allow such a trip, Troublefield had second thoughts and tried to devise a way whereby she would not lose [sic] the confidence of her class and yet would somehow discipline D.W. thus allowing D.W. to redeem herself and go on the Farmer sponsored trip. While not typical, Troublefield hit upon the idea of having the child mix chocolate milk with her normal lunch and allowing her to eat the mixture thereby gaining redemption and then allowing D.W. to go on the trip. Troublefield watched her mix

the chocolate milk with her regular lunch and advised other students to report to Troublefield as to whether she had eaten it and when the report came back that she had, Troublefield allowed her to go on the trip. There was nothing in the food which in any way would have harmed the child.

Troublefield answers the allegations that she would direct a student to hit another student by saying that there were several bullies in her class and she advised some of the students who were the prey of the bullies to attempt to defend themselves. This occurred several times.

Answer to Order to Show Cause, at 1-3.

Finding that no material facts were in dispute, the Board of Examiners determined that summary decision was appropriate, and it concluded that “the only possible response to Troublefield’s breach is the revocation of her teaching certificates.”

State Board of Examiners’ Decision, slip op. at 3. In so doing, the Board of Examiners explained that:

Troublefield’s acts of urging victimized students to hit others and forcing a student to mix chocolate milk with her lunch and then eat the mixture as a mode of discipline fall far short of the standard of behavior expected of teachers. Troublefield’s discipline of D.W. was neither creative nor appropriate. Moreover, the fact that she encouraged her students to defend themselves against the “bullies” of the class further demonstrates that she repeatedly engaged in questionable behavior.

Id.

On May 1, 2006, the appellant filed the instant appeal to the State Board. The appellant argues that, taking into account all of the circumstances, including the fact that DYFS determined that neglect had not been substantiated and the Atlantic City Board

had not viewed the allegations as serious enough to warrant the filing of tenure charges,<sup>1</sup> revocation of her certification is too harsh a penalty.

We agree. On the basis of our review of the record, and given our authority as the ultimate administrative decision-maker and fact-finder in school matters, In the Matter of the Tenure Hearing of Tyler, 236 N.J. Super. 478, 485 (App. Div. 1989), certif. den., 121 N.J. 615 (1990); Dore v. Bedminister Tp. Bd. of Ed., 185 N.J. Super. 447, 452 (App. Div. 1982), we reverse the decision of the State Board of Examiners and reinstate the appellant's certificates.

We observe initially that, contrary to the finding of the Board of Examiners, the appellant did not admit the charge that when she "learned that a student had hit another child, she would direct the victim to hit the child who had initiated the incident." Rather, as previously indicated, the appellant acknowledged that she had "advised some of the students who were the prey of the bullies to attempt to defend themselves." While the Deputy Attorney General representing the Board of Examiners attempts to explain away the distinction by submitting that the difference between "hitting" and "defending" is merely one of semantics, we are unwilling to infer that the appellant had "urg[ed] victimized students to hit others," State Board of Examiners' Decision, slip op. at 3, from her admission that she had told students "to attempt to defend themselves," particularly in proceedings such as these in which the appellant's career and livelihood are at stake.

Moreover, even if the allegations in the Order to Show Cause were demonstrated, we conclude that the conduct alleged does not rise to a level warranting the suspension or revocation of the appellant's certifications so as to preclude her from

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<sup>1</sup> We note that the Atlantic City Board withheld the appellant's salary increments for the 2004-05 school year as a result of her conduct.

serving as a teacher in any district in the State on either a temporary or permanent basis. We note, moreover, that the appellant's actions were not without consequences – the Atlantic City Board of Education withheld her salary increments for the 2004-05 school year.

Therefore, we reverse the decision of the State Board of Examiners and direct that the appellant's teaching certificates be reinstated.

Maud Dahme and Kathleen Dietz opposed.

Attorney exceptions are noted.

January 3, 2007

Date of mailing \_\_\_\_\_