

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JENNIFER TURNER : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-257

At its meeting of May 5, 2005, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Jennifer Turner from her tenured position with the Ocean City Board of Education for charges of insubordination and incapacity. *In the Matter of the Tenure Hearing of Jennifer Turner*, Docket No. 453-12/04 (Commissioner's Decision, February 10, 2005). Turner currently holds a Teacher of the Handicapped certificate, issued in May 1994 and Supervisor and Principal/Supervisor certificates, both issued in November 2001.

This case originated on December 30, 2004, when the Ocean City Board of Education certified tenure charges against respondent, Jennifer Turner. The district charged her with insubordination and incapacity. Specifically, the district had alleged that Turner had consistently refused to follow the directives and instructions of a supervisor; demonstrated a lack of capacity to properly serve students by her actions and remarks; and despite prior warnings, had demonstrated that she was unfit to teach students in the district. On January 3, 2005, the Commissioner sent Turner a notice by regular and certified mail to respond to the tenure charges. The notice informed Turner that if she failed to answer, the charges would be deemed admitted. Turner did not respond to the tenure charges.

In a decision dated February 10, 2005, the Commissioner of Education held that the district had demonstrated that Turner was guilty of insubordination and incapacity. (Commissioner's Decision, slip op. at 2). The Commissioner held that since Turner

failed to deny the charges against her, summary judgment should be granted to the district. (Commissioner's Decision, slip op. at 2). Accordingly, the Commissioner removed Turner from her tenured employment with the Ocean City Board of Education. (Commissioner's Decision, slip op. at 2). The Commissioner then transmitted the matter to the State Board of Examiners pursuant to *N.J.A.C. 6A:9-17.6* for appropriate action regarding Turner's certificates.

Thereafter, on May 5, 2005, the State Board of Examiners issued Turner an Order to Show Cause as to why her certificates should not be suspended or revoked. The Order was predicated on the charges of insubordination and incapacity that had been proven in the tenure hearing.

The Board sent Turner the Order to Show Cause by regular and certified mail on May 25, 2005. The Order provided that Turner's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Turner did not respond to the Order. On July 22, 2005, the Board sent Turner a Second Notice by regular and certified mail, allowing her 15 additional days to respond to the order. If she did not do so, the allegations in the Order to Show Cause would be deemed admitted and the Board would decide the matter based on the evidence before it. The regular mail copy was not returned and the certified copy was returned as unclaimed. Once again, Turner did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Turner's conduct and her subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of September 22, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Errickson had not

responded to the Order, the charges were deemed admitted. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h). Accordingly, Turner's actions in refusing to follow her supervisor's directives and her incapacity to serve her students constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Turner's offenses as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

The State Board of Examiners 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:9-17.5. Furthermore, 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). "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. In this case, Turner had repeatedly ignored supervisory directives and demonstrated incapacity to serve her students. Furthermore, she not only ignored her responsibilities to her students but also disregarded her professional obligation to respond to the charges against her, both before the Commissioner and this tribunal. Her disinterest in safeguarding her teaching career speaks volumes about her fitness as a role model. Thus, the only proper response to Turner's apathy is revocation.

Accordingly, it is therefore ORDERED that Jennifer Turner's Teacher of the Handicapped, Supervisor and Principal/Supervisor certificates be revoked on this 22nd day of September 2005. It is further ORDERED that Turner return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: NOVEMBER 15, 2005

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A. 18A:6-28*.