

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KATHLEEN DORSETT : ORDER OF SUSPENSION
_____ : DOCKET NO: 1011-111

At its meeting of February 24, 2011, the State Board of Examiners reviewed information received from the Monmouth County Prosecutor's Office regarding Kathleen Dorsett. In January 2011, Dorsett was indicted for Murder, two counts of Conspiracy to Commit Murder, three counts of Tampering with Physical Evidence, Disturbing or Desecrating Human Remains, Conspiracy to Disturb or Desecrate Human Remains, Financial Facilitation of Criminal Activity, Conspiracy to Commit Financial Facilitation of Criminal Activity, and Attempted Murder. Dorsett currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing and a Teacher of the Handicapped certificate, both issued in June 1997, and a Teacher of Elementary School certificate, issued in July 2000. Upon review of the above information, at its meeting of May 12, 2011, the State Board of Examiners voted to issue Dorsett an Order to Show Cause as to why her certificates should not be suspended pending the outcome of the criminal charges against her.

The Board sent Dorsett the Order to Show Cause by regular and certified mail on May 17, 2011. The Order provided that Dorsett must file an Answer within 30 days. Both the certified and regular mail copies were returned indicating that Dorsett had been moved to a different correctional facility. Thereafter, on June 1, 2011, the Board re-sent Dorsett the Order to Show Cause by regular and certified mail. The certified mail receipt was signed and returned and the regular mail copy was not returned. Dorsett did not respond. Thereafter, on July 19, 2011, the Board sent Dorsett another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed

and returned and the regular mail copy was also returned. Since Dorsett had been transferred to a different correctional facility, the Board re-sent the second notice to her by regular and certified mail on August 10, 2011. The certified mail receipt was signed and returned and the regular mail copy was not returned.

By letter dated August 18, 2011, counsel for Dorsett indicated that, based on pending criminal proceedings, he had advised her that she could not respond to the Order. He added that “under no circumstances can the allegations in the Order to Show Cause be deemed admitted.” By letter dated September 7, 2011, the Board advised Dorsett’s attorney that the regulations required Dorsett to respond specifically to each allegation in the Order to Show Cause, and he was provided with the opportunity to submit an Answer which conformed to the requirements of the regulation by September 23, 2011. Counsel for Dorsett did not submit an Answer or otherwise respond to that letter.

Pursuant to *N.J.A.C. 6A:9-17.7(e)*, by letter dated October 3, 2011, Dorsett’s attorney was advised that the allegations set forth in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. He was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to suspend her teaching certificates pending resolution of the criminal charges. Counsel for Dorsett did not file a response to that notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Dorsett’s indictment constitutes conduct unbecoming a certificate holder. Since Dorsett failed to respond to the Order to Show Cause or the hearing notice, at its meeting of December 16, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Dorsett’s offenses

were in dispute since she never denied that she had been indicted for the offenses charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h). It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether the conduct underlying Dorsett's indictment, as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9-17.5. 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:9-17.5. "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, the Commissioner has long held that teachers serve as role models for their students. Dorsett's indictment on charges of Murder, Conspiracy to Commit Murder, Tampering with Physical Evidence, Disturbing or Desecrating Human Remains, Conspiracy to Disturb or Desecrate Human Remains, Financial Facilitation of Criminal Activity, Conspiracy to Commit Financial Facilitation of Criminal Activity, and Attempted Murder demonstrates behavior that falls far short of the role model status expected of teachers. Clearly, Dorsett cannot lay claim to that status.

Furthermore, a teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Dorsett's indictment for Murder, Conspiracy to Commit Murder, Tampering with Physical Evidence, Disturbing or Desecrating Human Remains, Conspiracy to Disturb or Desecrate Human Remains, Financial Facilitation of Criminal Activity, Conspiracy to Commit Financial Facilitation of Criminal Activity, and Attempted Murder provides just cause to take action against her certificates.

Accordingly, on December 16, 2011, the Board of Examiners voted to suspend Dorsett's certificates pending resolution of the criminal charges against her. On this 19th day of January 2012 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Kathleen Dorsett's Teacher of Elementary School Certificate of Eligibility With Advanced Standing and her Teacher of the Handicapped and Teacher of Elementary School certificates be suspended effective this day. If the charges are resolved in her favor, she shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that Dorsett return her certificates to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.
RRH:MZ: