

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
MICHELE JOHNSON : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-198

At its meeting of June 16, 2011, the State Board of Examiners (Board) reviewed information received from the Division of Criminal Justice (CJ) regarding Michele Johnson. CJ notified the Board that Johnson pled guilty to Contempt-Judicial Order in October 2010. Johnson had previously entered a Pretrial Intervention program in October 2009 after being charged with fourth degree Stalking, but violated a no contact order on two separate occasions in November 2009. As a result of the conviction, Johnson was sentenced to four years' probation and prohibited from having contact with her victim. Johnson currently holds a Substitute Credential, which expires in July 2013. Upon review of the above information, the Board voted at its meeting of July 28, 2011 to issue Johnson an Order to Show Cause why her credential should not be revoked.

The Board sent Johnson the Order to Show Cause by regular and certified mail on August 11, 2011. The Order provided that Johnson must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Johnson did not file a response. Thereafter, on October 7, 2011, the Board sent Johnson 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 not returned. Johnson did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 4, 2011, the Board sent Johnson a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Johnson 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 credential. It also explained that, upon review of the charges against her

and the legal arguments tendered in her defense, the Board would determine if his disqualifying offense warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. Johnson was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “unclaimed” and the regular mail copy was not returned. Once again, Johnson did not respond.

The threshold issue before the Board in this matter is whether Johnson’s conviction constitutes conduct unbecoming a certificate holder. Since Johnson failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 19, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Johnson’s offense were in dispute since she never denied that she had been convicted of the offense 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 Board must now determine whether Johnson’s conviction, as set forth in the Order to Show Cause, represents just cause to act against her credential 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. Johnson’s act of violating a court order on numerous occasions demonstrates behavior that falls far short of the role model status expected of teachers. Clearly, Johnson cannot lay claim to that status.

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). In this instance, Johnson's repeated violation of a court order when she had previously been charged with Stalking, resulted in a lengthy probation. Her egregious behavior warrants revocation.

Accordingly, on January 19, 2012, the Board voted to revoke Michele Johnson's Substitute Credential. On this 1st day of March 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Michele Johnson's credential be effective immediately. It is further ORDERED that Johnson return her credential to the Secretary of the State Board of Examiners, Office of Licensure, P.O. 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.