

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JUDITH ELIE : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-215

At its meeting of July 25, 2013, the State Board of Examiners (Board) reviewed information it had received from the Office of Certification and Induction (Office) regarding Judith Elie. The Office reported that, in December 2011, Elie's teaching certificates in New York were revoked as the result of allegations that she had engaged in inappropriate behavior with students, including improper personal, physical and/or intimate contact, improper communications and failing to assist a student in obtaining medical assistance after the student was injured. Specifically, in April 2009, Elie received a counseling letter indicating that she had exercised poor judgment by kissing a student during class. In January 2009, Elie received a counseling letter indicating that she was negligent in the performance of her professional duties when she refused to respond to a student's requests for medical attention and that she exhibited inappropriate and unprofessional behavior when she visited the home of a student without permission and/or prior notification or approval of the student's parents. During the 2009-2010 school year Elie engaged in inappropriate behavior with one or more students that included, among other behavior, improper comments and/or communications. Elie currently holds a Teacher of English certificate, issued in March 2011. Upon review of the above information, the Board voted at its September 20, 2013 meeting to issue Elie an Order to Show Cause why her New Jersey certificate should not be revoked.

The Board sent Elie the Order to Show Cause by regular and certified mail on September 24, 2013. The Order provided that Elie's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Elie did not file a response. Thereafter, on October 29, 2013, the Board sent Elie 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. Elie did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 22, 2013, the Board sent Elie a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Elie 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 determined to take action against her certificate. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Elie's conduct warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Elie was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Elie did not file a response.

The threshold issue before the Board in this matter is whether Elie's conduct constitutes conduct unbecoming a certificate holder. Since Elie failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of February 27, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Elie's offense were in dispute since she did not deny that her New York certificates had been revoked. 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 Elie's conduct as set forth in the Order to Show Cause, represents just cause to act against her certificate 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. In this case, Elie did

not deny that she her New York certificates were revoked because of inappropriate interactions with students as well as negligence in exercising her duties as a teacher. The Board is not restricted to behavior that takes place in New Jersey in determining whether that person is fit to teach in this state. The Board therefore determines that the appropriate response to Elie's unbecoming conduct is the revocation of her New Jersey certificate.

Accordingly, on February 27, 2014, the Board voted to revoke Judith Elie's Teacher of English certificate. On this 4th day of April 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Elie's certificate be effective immediately. It is further ORDERED that Elie return her certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Old Bridge, 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 *N.J.S.A.* 18A:6-38.4.

RRH/MZ/th