

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SONDRA FRANKLIN : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-187

At its meeting of September 20, 2013, the State Board of Examiners (Board) reviewed information the Atlantic County Prosecutor's Office (ACPO) had forwarded regarding Sondra Franklin. In November 2012, Franklin was accepted into a Pretrial Intervention (PTI) program for 24 months after being charged with Child Abuse for allegedly hitting several students while she served as a substitute teacher. Franklin was ordered to forfeit her "substitute teaching license" as a condition of her entry into PTI. Although she does not hold a Substitute Credential, Franklin does currently hold a Teacher of English certificate, issued in July 1968. Upon review of the above information, at its November 1, 2013 meeting, the Board voted to issue Franklin an Order to Show Cause.

The Board sent Franklin the Order to Show Cause by regular and certified mail on November 12, 2013. The Order provided that Franklin had 30 days to respond. Franklin submitted a response on December 17, 2013. In that Answer, Franklin admitted that, while she was working as a substitute, she had struck three second graders, two on the ankle through their clothing with a thin child's belt she had borrowed from another student and one on the rear end with her open hand. (Answer, p. 1). Franklin noted that the students were contrary from the start of the school day and although she threatened to keep them from lunch or recess, she knew she couldn't. (Answer, p. 2). She noted that when she said to them, "Some of you are so unruly, you need a crack on the behind," the students just laughed. (Answer, p. 2). Franklin added that the students became more unruly when she was escorting them back to the classroom after a restroom break. (Answer, p. 2). She stated that one girl was screaming in the bathroom

“enjoying the echoes bouncing off the walls” and out in the hall a boy was lying on the floor whirling like a Dervish. (Answer, p. 2). Franklin said she gave both of those students “a whack on the ankle with the light belt through their pants leg and stood them back in line.” (Answer, p. 2). She noted that when the dismissal bell rang at the end of the day, she was determined to hold the class for an additional five minutes “for the behavior they exhibited during the day.” (Answer, p. 3). Franklin admitted that the Principal told her to dismiss the students, but she was determined to make them wait the five minutes. (Answer, p. 3). Franklin added that when the Principal personally appeared at the door and tried to open it, Franklin “snatched it closed. A tug of war went on between us for at least 45 seconds to one minute.” (Answer, p. 3). Franklin then released the door and stated that she would not return the next day. (Answer, p. 3). Franklin noted that DYFS investigated but told her that the matter would be dropped. (Answer, p. 3). She added that, in her 32 years of teaching, she had “no improprieties of abuse on my record and I have always been regarded as a fair and patient teacher.” (Answer, p. 4). Franklin wondered why the prosecutor pursued the matter when both the police and DYFS said it would be dropped. (Answer, p. 4). She added that she entered PTI, completed her 20 hours of community service and attended an anger management class as directed by the courts. (Answer, p. 5). Franklin argued that since the police did not arrest her, DYFS did not pursue the matter, no students were harmed and the prosecutor delayed in bringing the case, the Board should allow her to retain her substitute certificate and her teaching certificate. (Answer, p. 5). Franklin added that she meant no harm to the students but was simply “trying to snap them into recognizing that they must behave.” (Answer, p. 6).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 7, 2014, the Board sent Franklin a hearing notice by regular and certified mail. The notice explained that it appeared that

no material facts were in dispute. Thus, Franklin 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 Franklin's offenses warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Franklin was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time in which to respond, Franklin submitted her Hearing Response on March 10, 2014. In that response, Franklin asked the Board to consider that the Department of Children and Family Services had concluded that the allegations of Physical Abuse/Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare were unfounded and that "there will be no record kept in the Child Abuse Registry and no adjudicative findings have been made." (Hearing Response, p. 1). She added that the New Jersey Department of Consumer Affairs also reviewed the police report and renewed her Cosmetology/Beautician's license. (Hearing Response, p. 2). Franklin noted that she completed most of the conditions of her PTI, including 12 weeks of anger management, 20 hours of community service and that her probation would end on November 29, 2014. (Hearing Response, p. 2). Franklin added that she had surrendered her substitute teacher certificate and could not teach until after her probation was ended. (Hearing Response, p. 2). She asked the Board to consider her 33.5 years of service to the community as an educator. (Hearing Response, p. 2). Franklin stated that she enjoyed teaching, had made a positive impact on the lives of her students, whom were now adults, and was respected by her colleagues. (Hearing

Response, p. 2). She admitted to a “lapse in judgment in the methods that I used to bring order to the classroom,” but added that her actions did not involve excessive force or cause physical harm. (Hearing Response, p. 2). Franklin asked that she be allowed to retain her certificate. (Hearing Response, p. 3).

The threshold issue before the Board in this matter is whether Franklin’s conduct constitutes conduct unbecoming a certificate holder. At its meeting of May 22, 2014, the Board considered the Order to Show Cause, Franklin’s Answer and Hearing Response. The Board determined that no material facts related to Franklin’s offense were in dispute since she never denied that she had engaged in the alleged behavior or had been mandated to surrender her certificate as a condition of PTI. 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 Franklin’s conduct, as set forth in the Order to Show Cause, provides 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. 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 (1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this matter, Franklin’s conduct in hitting three

second graders because they were “unruly” is not merely inappropriate, it is egregious. Although Franklin may have a long and unblemished record, certain acts are so beyond the pale that they cannot be countenanced regardless of how distinguished the career that came before. Striking three young students falls squarely within that category. Moreover, Franklin compounded her bad behavior by refusing a direct order of the Principal and engaging in a “tug of war” over access to the classroom. The fact that other agencies such as DCF or Consumer Affairs did not take action against Franklin has no bearing on the Board’s determination here that her admitted conduct is unbecoming a teacher. Her behavior falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Franklin’s certificate.

Accordingly, on May 22, 2014, the Board voted to revoke Franklin’s Teacher of English certificate. On this 15th day of July 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Sondra Franklin’s certificate be effective immediately. It is further ORDERED that Franklin return her certificate 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.

RRH:MZ:th