

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
REBECCA JACOB : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-152

At its meeting of November 1, 2016, the State Board of Examiners (Board) reviewed information received from the Atlantic County Prosecutor's Office and the Criminal History Review Unit (CHRU) regarding Rebecca Jacob. On November 6, 2015, Jacob pled guilty to Eluding in the 2nd degree. Jacob was later accepted into a Pretrial Intervention (PTI) program for a period of 18 months. The CHRU notified the Board that, as a result of her guilty plea, Jacob was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Jacob currently holds a Substitute Credential, which expires in July 2019.

Jacob did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of December 9, 2016 to issue Jacob an Order to Show Cause as to why her credential should not be revoked.

The Board sent Jacob the Order to Show Cause by regular and certified mail on December 15, 2016. The Order provided that Jacob must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Jacob did not file a response. Thereafter, on January 27, 2017, the Board sent Jacob another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Neither the certified mail copy nor the regular copy was returned. Jacob did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 28, 2017, the Board sent Jacob a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Jacob 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 her offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Jacob was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Jacob responded on April 10, 2017.

In her response, Jacob stated that during the incident her car was on the shoulder of the road and moving approximately 10 miles per hour. (Hearing Response, p. 1). She said she came to a stop “about a minute or so later.” (Hearing Response, p. 1). Jacob did admit that she broke the law and ultimately decided to agree to a plea deal. (Hearing Response, p. 1). She added that she had not been in trouble since or prior to this incident, took full responsibility for it and had complied with all of the terms of her probation. (Hearing Response, p. 1). Jacob stated that she believed she could still be a positive role model for New Jersey’s public school children. (Hearing Response, p. 1). She asked the Board to consider her compliance and positive changes over the last three years and grant her the opportunity to regain her certification once her record was expunged. (Hearing Response, p. 1).

The threshold issue before the Board in this matter is whether Jacob’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of May 12, 2017, the Board considered the allegations in the Order to Show Cause and Jacob’s Hearing Response. Since Jacob failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Thus, since no material facts related to Jacob’s offense were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Jacob’s conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her credential pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Individuals convicted of crimes such as Eluding fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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 instance, Jacob's conviction demonstrates that she is no longer a fit role model for students.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, because the Legislature and the Commissioner consider Jacob's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her credential.

Accordingly, on May 12, 2017, the Board voted to revoke Rebecca Jacob's Substitute Credential. On this 15th day of June 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Jacob's credential be effective immediately. It is further ORDERED that Jacob return her credential to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

RRH/MZ/th

Date of Mailing:
via certified and regular mail

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