

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MELISSA (SIBRE) JOHNSON : ORDER OF REVOCATION
_____ : DOCKET NO: 1516-231

At its meeting of May 17, 2019, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP), formerly the Criminal History Review Unit, and the Burlington County Prosecutor's Office submitted regarding Melissa (Sibre) Johnson. On June 28, 2016, Johnson was indicted on charges of Manslaughter (2nd degree), two counts of Endangering-Abuse/Neglect of a Child by a Caretaker (2nd degree). On June 15, 2018, Johnson pled guilty to one count of Endangering-Abuse/Neglect of a Child by a Caretaker (2nd degree). On March 21, 2019, Johnson was sentenced to four years in prison and ordered to forfeit her employment with the Burlington Township Board of Education. The OSP notified the Board that, as a result of her conviction, Johnson is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Johnson 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 June 28, 2019 to issue Johnson an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Johnson the Order to Show Cause by regular and certified mail on July 2, 2019. The Order provided that Johnson must file an Answer within 30 days. On October 1, 2019, Johnson filed an Answer. In her Answer Johnson stated that the indictment against her was "nonsensical" as there was no "element" of the tragic circumstances that would support the charges. (Answer, ¶ 3). Johnson then stated that she accepted a plea deal because she did not want to face a public trial and the Prosecutor was pushing for heavier charges, she wanted to find a way to move forward as a family and she was hopeful the judge would take into account the mitigating factors at sentencing. *Id.* She admits that as a result of the conviction she is disqualified, but states that her conduct and performance in the professional setting has never been questioned. (Answer, ¶¶ 5, 6).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 11, 2019, 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 certificates. 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 disqualifying offense warranted action against her certificates. 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 was returned unclaimed and the regular mail was not returned. Johnson did not file a response or request to appear before the Board.

The threshold issue before the Board in this matter is whether Johnson's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of January 23, 2020, the Board considered the allegations in the Order to Show Cause as well as Johnson's Answer. The Board determined that no material facts related to Johnson's offense were in dispute since she admitted that she pled guilty. Thus, 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 Johnson's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates 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 inappropriate role models for them. Individuals such as Johnson, convicted of a crime involving child endangerment, 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 exemplars 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, Johnson's conviction demonstrates behavior that falls far short of a role model.

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 Johnson's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on January 23, 2020, the Board voted to revoke Melissa Sibre Johnson's Teacher of Preschool Through Grade 3 Certificates of Eligibility with Advanced Standing, Teacher of Students with Disabilities Certificate of Eligibility with Advanced Standing, Teacher of Elementary Grades K-6 Certification of Eligibility with Advanced Standing, Teacher of Preschool Through Grade 3, Teacher of Elementary Grades K-6, Teacher of Students with Disabilities, Reading Specialist, Teacher of Elementary with Subject Matter Specialization: Language Arts/Literacy Specialization Grades 5-8. On this 28th day of February 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Johnson's certificates be effective immediately. It is further ORDERED that Johnson return her certificates 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.

Rani Singh, Secretary
State Board of Examiners

**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.