

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
RANDI DROGIN : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1920-117

At its meeting of November 1, 2019, the State Board of Examiners (Board) reviewed information it received from the Bayonne Public School District (Bayonne) regarding Randi Drogin (Drogin). Drogin resigned from her teaching position after it was alleged that she engaged in inappropriate conduct while employed by Bayonne.

Drogin currently is the holder of a Teacher of Art Certificate of Eligibility, a standard Teacher of Art certificate, and a Supervisor certificate. After reviewing the above information, the Board voted to issue an Order to Show Cause to Drogin as to why her certificates should not be suspended at its meeting on December 13, 2019. Drogin answered the Order to Show Cause on December 27, 2019. The Board transmitted the matter to the Office of Administrative Law (OAL) on January 13, 2020 for hearing as a contested case. The matter was heard before Administrative Law Judge Jude-Anthony Tiscornia (ALJ) on May 19, 20, and 26, 2022, and December 16, 2022. The record closed on April 26, 2023. *In the Matter of the Certificates of Randi Drogin*, Dkt. No. EDE 00599-20 (Initial Decision, May 31, 2023).

After reviewing the testimony and the record, the ALJ found that while employed by Bayonne, Drogin furnished advice to students regarding their personal lives, expressed suicidal thoughts to students, faculty, and staff, and engaged in conversations regarding inappropriate subject matters such as her mental health issues. (Initial Decision, slip op. at p. 11). In a particular situation noted by the ALJ, Drogin pried into a student's mental health and sexuality, causing the student's mother to initiate a HIB investigation. *Id.* In another instance, a student of Drogin broke up with his girlfriend, who then threatened suicide. Instead of following proper protocols and referring the situation to District personnel, she instead provided personal advice and counseling to the student. *Id.* at 14. However, despite identifying Drogin's acts as "inappropriate" (*Id.* at 11), the ALJ found that Drogin's mental health issues contributed to some of her conduct and that she was being improperly treated for those issues at the time, but is now being suitably treated. *Id.* at 12. Due to the foregoing, the ALJ

concluded that Drogin did not intend to harm her students and therefore her certificates should not be revoked or suspended. *Id.* at 14.

The Deputy Attorney General (DAG) representing the Board filed Exceptions to the Initial Decision. The DAG argued that the facts found by the ALJ warrant a finding of unbecoming conduct and a penalty of suspension. DAG Exceptions at pg.7. The DAG noted that the record includes acts by Drogin which breached the public trust and, in the instance where she chose to counsel a student dealing with a suicidal former girlfriend instead of following proper protocol, her conduct could have had disastrous consequences. *Id.* at 11, 12. Furthermore, the DAG argued that Drogin's intent is irrelevant to the determination of whether her conduct was unbecoming. *Id.* at 12.

Drogin submitted a response to the DAG's Exceptions arguing that the initial decision should be adopted by the Board. Drogin argues that the Board must give deference to the ALJ's decision, pointing out that *N.J.S.A. 52:14B-10* limits the Board's ability to reject the ALJ's findings of facts. Drogin Exceptions at pg. 3. Drogin further argues the ALJ properly concluded Drogin's actions did not amount to unbecoming conduct warranting action against her certificates due to the *de minimis* nature of her actions, lack of intent to cause harm, misdiagnosis of her mental health issues and subsequent rehabilitation. *Id.* at 15.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of August 4, 2023, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Decision and the other submissions, the Board voted to adopt the findings of fact contained in the Initial Decision, find unbecoming conduct based on the facts determined by the ALJ and modify the decision to impose a six month suspension of Drogin's certificates.

"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. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. As noted above, after assessing the evidence and the credibility of the witnesses, the ALJ made several findings regarding Drogin's conduct. She advised students regarding their personal lives, expressed

suicidal thoughts to students, faculty, and staff, and engaged in conversations regarding inappropriate subject matters such as her mental health issues. She pried into a student's mental health and sexuality and did not follow proper protocols when another student told her that his former girlfriend was suicidal. The Board agrees with the DAG that these acts violated the public's trust and in at least one instance, could have led to disastrous consequences.

Based upon the ALJ's factual findings, the Board has determined that Drogin's actions constitute unbecoming conduct. The Board acknowledges that the ALJ found that Drogin was suffering from mental health issues at the time the unbecoming conduct occurred and considered this in determining that the appropriate penalty is a suspension of her certificates for a period of six months.

Accordingly, on August 4, 2023, the Board voted to adopt the factual findings in the Initial Decision, find unbecoming conduct and modify the decision to include a penalty of a six-month suspension of Drogin's certificates. On this 21<sup>st</sup> day of September 2023, the Board formally adopts the factual findings in the initial decision, finds unbecoming conduct and modifies as to the penalty. It is therefore ORDERED that Randi Drogin's Teacher of Art Certificate of Eligibility, standard Teacher of Art certificate, and Supervisor certificate are hereby suspended for six months, effective immediately. It is further ORDERED that Drogin return her certificates to the Secretary of the State Board of Examiners, Office of Recruitment, Certification and Preparation, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Rani Singh, Secretary  
State Board of Examiners

RS/SMN

**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.