

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARY SIRANGELO : AMENDED ORDER OF SUSPENSION
_____ : DOCKET NO: 0607-215

At its meeting of June 7, 2007, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Mary Sirangelo was convicted in 2006 on charges of possession of marijuana.¹ As a result of such conviction, Sirangelo was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Sirangelo did not appeal the disqualification before the Commissioner of Education. Sirangelo currently holds a Teacher of Biological Science Certificate of Eligibility With Advanced Standing, issued in February 1998 and a Teacher of Biological Science certificate, issued in August 1999. Upon review of the above information, at its June 7, 2007 meeting, the State Board of Examiners voted to issue Sirangelo an Order to Show Cause.

The Board sent Sirangelo the Order to Show Cause by regular and certified mail on June 13, 2007. The Order provided that Sirangelo must file an Answer within 30 days. Sirangelo filed an Answer on July 11, 2007. In that Answer, Sirangelo admitted that she had been disqualified from school employment because of her conviction. (Answer, ¶ 3.) She also claimed that prior to her arrest she was in a severe automobile accident and sustained injuries that caused her immense pain which did not respond to conventional treatment. (Answer, ¶ 4.) Although she was scheduled for surgery, she stated that she turned to marijuana use to lessen her pain pending surgery. (Answer, ¶ 4.) She added that her arrest was in no way related to her employment and resulted in severe financial hardship to her. (Answer, ¶ 5.) Sirangelo also argued that she had ineffective assistance of counsel when she was convicted. (Answer, ¶¶ 6, 7.)

¹ Sirangelo had the offense expunged by way of an Order of Expungement dated January 6, 2012.

Finally, she expressed her deep remorse at her disqualification to teach and the circumstances which led to that. (Answer, ¶¶ 6, 7.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 24, 2008, a hearing notice was mailed by regular and certified mail to Sirangelo. The notice explained that since it appeared no material facts were in dispute regarding her offense, Sirangelo 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. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her disqualifying offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The notice also allowed her the opportunity to appear before the Board and/or submit documentation to present testimony regarding the penalty phase of her hearing. Sirangelo responded on February 14, 2008, and indicated that her Answer to the Order to Show Cause was sufficient. Sirangelo did appear at the Board meeting on March 27, 2008 and presented a statement through her attorney. He reiterated the circumstances related to Sirangelo's accident, her pain and use of marijuana to alleviate that pain prior to her surgery.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Sirangelo's conviction for possession of marijuana constitutes conduct unbecoming a certificate holder. At its meeting of March 27, 2008, the State Board of Examiners reviewed the charges and papers Sirangelo filed in response to the Order to Show Cause. After review of Sirangelo's submissions as well as her testimony, the Board of Examiners determined that no material facts related to her offense were in dispute since she admitted that she was convicted of the offense charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Sirangelo's offense, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The State Board of Examiners 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 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 to them. In 1989, the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. *See N.J.S.A. 18A:6-7.1(b)*. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. *See In the Matter of the Tenure Hearing of David Earl Humphreys*, 1978 *S.L.D.* 689. To that end, the State and its schools have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. *See In the Matter of the Certificate of Barbara Corwick*, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school-aged pupils. Accordingly, the State Board of Examiners finds that Sirangelo's disqualification from service in the public schools of this State because of her conviction for possession of marijuana provides just cause to take action against her certificates.

However, the Board is mindful of the unique circumstances of this case. Given Sirangelo's attested-to medical condition and the fact that her attorney indicated that he will pursue an expungement of the record of Sirangelo's disqualifying crime, the Board believes that its usual sanction of revocation in these cases is not warranted here. Therefore, although Sirangelo is disqualified and cannot teach in public schools at this time, she may be able to have her offense expunged and therefore be eligible to teach again. Accordingly, because of these unusual circumstances, the Board has decided that the public interest is served by a suspension of Sirangelo's certificates until such time she can prove that her offense has been expunged.

Accordingly, on March 27, 2008 the Board of Examiners voted to suspend Mary Sirangelo's Teacher of Biological Science Certificate With Advanced Standing and Teacher of Biological Science certificate. On this 1st day of May 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Sirangelo's certificates be effective immediately. It is further ORDERED that Sirangelo return her certificates 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: MAY 8th, 2008

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.