

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARYLU VURRO : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-139

At its meeting of January 17, 2008, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Marylu Vurro was convicted in 2006 on charges of Grand Larceny. Vurro was sentenced to five years probation and ordered to pay restitution. As a result of her conviction, Vurro was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Vurro currently holds a Teacher of Italian Certificate of Eligibility, issued in June 2006, a Teacher of Italian certificate, issued in March 2007, and a Teacher of Spanish certificate, issued in June 2007. Vurro did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Vurro an Order to Show Cause at its meeting of February 21, 2008.

The Board sent Vurro the Order to Show Cause by regular and certified mail on March 6, 2008. The certified mail copy was returned but her regular mail copy was not. The Order provided that Vurro must file an Answer within 30 days. Vurro did not file a response. Thereafter, on July 10, 2008, the Board sent Vurro another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. After both the regular and certified mail copies were returned, the Board secured a new address for Vurro from the Motor Vehicles Commission and on January 6, 2009, re-sent the second notice. Vurro did not respond to the second notice either, although she did sign and return the certified mail receipt.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 6, 2009, the Board sent Vurro a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute and Vurro 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 whether the conduct underlying her conviction and resulting disqualification warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Vurro was also provided the opportunity to appear before the Board to testify on the sanction issue. Once again, Vurro did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Vurro's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Vurro failed to respond to the Order to Show Cause or the hearing notice, at its meeting of June 22, 2009, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Vurro's offense were in dispute since she never denied that she had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate. *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 State Board of Examiners must now determine whether the conduct underlying Vurro's conviction and 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:9-17.5. 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 dishonest or poor role models. Individuals convicted of a crime such as grand larceny fall squarely within this category. This strong legislative policy statement is 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. Clearly Vurro's actions here are not those of a role model.

It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). In this case, Vurro has a conviction for a crime involving theft. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his/her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944).

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 State Board of Examiners 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 himself out as a teacher. Thus, because the Legislature considers Vurro's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Vurro's teaching certificates.

Accordingly, on June 22, 2009, the Board of Examiners voted to revoke Marylu Vurro's Teacher of Italian Certificate of Eligibility and her Teacher of Italian and Teacher of Spanish certificates. On this 28th day of July 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Vurro's certificates be effective immediately. It is further ORDERED that Vurro 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:6-28.

RRH:MZ: