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| IN THE MATTER OF | : | NEW JERSEY DEPARTMENT OF EDUCATION |
| THE APPLICATION FOR | : | STATE BOARD OF EXAMINERS |
| CERTIFICATION AFTER | : | |
| REVOCATION | : | DOCKET NO. 0708-139 |
| OF | : | |
| MARYLU VURRO | : | |
| _____ | : | |

On July 28, 2009, the State Board of Examiners (Board) voted to revoke Marylu Vurro's certificates as a result of her 2006 conviction in New York for Grand Larceny, which is a disqualifying offense under *N.J.S.A. 18A:6-7.1 et seq.* *In the Matter of the Certificates of Marylu Vurro*, Docket No. 0708-139 (Bd. of Examiners, July 28, 2009). Vurro previously held 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 is once again seeking certification after revocation. In support of her application, Vurro testified at the Board's meeting on October 28, 2010. In her testimony, Vurro noted that she had been a teacher for 26 years. She stated that she experienced a bout of depression in 1996 while she was an untenured teacher. She claimed that because she was fearful of losing her position if she told the truth, she made up an illness. She pled guilty to Grand Larceny and made restitution to her district. She also served 40 days in jail and was sentenced to probation. Vurro indicated that her depression was now under control and that she never harmed any children. She argued that she had proven herself over the past few years and wanted to get back into the classroom. Vurro also submitted reference letters in support of her application.

N.J.A.C. 6A:9-17.10, which governs applications for certification after revocation, provides:

(a) A certificate that has been revoked for any of the grounds set forth in this chapter shall not be reinstated. An individual who has had a certificate revoked may file an application for a new certificate with the Board of Examiners.

(b) The Board of Examiners shall not issue a new certificate to a candidate whose certificate(s) has been revoked unless the following conditions are met:

1. The candidate shall satisfy all criteria for the issuance of the certificate that are in effect at the time of the application for the new certificate;
2. At least four years shall have passed since the effective date of the revocation of the previous certificate;
3. The candidate shall have provided evidence demonstrating rehabilitation for the unbecoming conduct, incompetence, or other cause for the revocation;
4. If the basis for the revocation was the conviction of a crime that is not disqualifying under N.J.S.A. 18A:6-7.1 et seq., the candidate shall have submitted evidence to the Board of Examiners that he or she has been fully rehabilitated in accord with the factors set forth in N.J.S.A. 2A:168A-2 and that issuing a certificate to the candidate would not be detrimental to the public welfare;
5. The candidate shall have complied with all conditions imposed by the order of revocation; and
6. If the revocation arose from a criminal matter involving the candidate, the candidate shall have provided evidence that he or she has satisfied any conditions imposed by the court, probation, plea bargain agreement or any other entity.

(c) Notwithstanding the provisions of (b) above, the Board of Examiners shall not issue a new certificate to any candidate who is:

1. Ordered to forfeit certification as part of a settlement in a tenure or criminal proceeding;
2. Barred from teaching again in the State of New Jersey by order of a court of competent jurisdiction;
3. Ordered to forfeit certification as part of a plea bargain;

4. Ordered to forfeit certification as a condition for entrance into a pre-trial intervention program as set forth in Rule 3.28 of the New Jersey Court Rules;
5. Ordered to forfeit certification pursuant to a sentence imposed in a criminal proceeding;
6. Barred from teaching for any reason; or
7. Relinquishing his or her certificate pursuant to N.J.A.C. 6A:9-17.11.

Of particular relevance to Vurro's current application is subsection (c)6, which provides that the Board shall not issue a certificate to an individual after revocation when that candidate is barred from teaching for any reason. In Vurro's case, her disqualification from teaching pursuant to *N.J.S.A. 18A:6-7.1 et seq.*, acts as a permanent bar to her teaching in the public schools of New Jersey. Moreover, *N.J.A.C. 6A:9-17.10(b)4* allows the Board to consider rehabilitation evidence only if the basis for the revocation was the conviction of a crime that is not disqualifying. Thus, notwithstanding Vurro's testimony regarding her rehabilitation, in light of the clear language of the regulation, the Board need look no further in deciding this case.

However, even assuming that Vurro is not barred from applying for certification due to the circumstances of her previous revocation, she has not satisfied the four-year waiting period required since the revocation of her previous certificates. *N.J.A.C. 6A:9-17.10(b)2*. Accordingly, even if Vurro had a viable claim to certification after rehabilitation on the merits, she must wait until July 2013 to pursue her case.

Accordingly, for the foregoing reasons, on December 9, 2010, the Board voted to deny Marylu Vurro's application for certification after revocation as a Teacher of Italian and as a Teacher of Spanish. On this 20th day of January 2011 the Board voted to adopt its formal

written decision and it is therefore ORDERED that the application of Marylu Vurro for certification after revocation is denied effective immediately.

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:6-9.

RRH:MZ:MaryluVurro