

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
ROSE FARRELL : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 0809-216

At its meeting of May 11, 2009, the State Board of Examiners (Board) reviewed information received from the Morris County Prosecutor's Office (MCPO) indicating that, in June 2008, respondent Rose Farrell pled guilty to False Report to Incriminate Another and Driving While Intoxicated (3<sup>rd</sup> offense). Farrell was sentenced to 180 days in prison and one year of probation. Farrell currently holds a Teacher of English certificate, issued in July 1989. Upon review of the above information, the Board voted at its meeting of June 22, 2009 to issue Farrell an Order to Show Cause why her certificate should not be revoked.

After many unsuccessful attempts to notify Farrell, including publication of the notice of the Order to Show Cause, the Board finally secured a new address for her. The Board sent Farrell the Order to Show Cause by regular and certified mail on April 16, 2012. The Order provided that Farrell must file an Answer within 30 days. Farrell responded on May 16, 2012. In that Answer, Farrell admitted to the allegations in the Order to Show Cause regarding her plea and sentence. (Answer, ¶¶ 3, 4). She added that she was offered time in a rehabilitation facility in lieu of completing her prison sentence and entered an in-patient program instead of prison. (Answer, ¶ 4). Farrell added that, prior to her sentencing, she realized she needed help with her alcohol problem and entered an Intense Out-patient program which was not court-ordered. (Answer, ¶ 4). Farrell noted that she had been sober since that time and had remained "gainfully employed and an asset to my community." (Answer, ¶ 4). She disagreed that there was just cause to revoke her certificate and submitted many letters attesting to her character and

community contributions. (Answer, ¶ 6). Finally, Farrell noted that she hoped to return to teaching eventually “as that is where my passion lies.” (Answer, ¶ 6).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 22, 2012 the Board sent Farrell a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Farrell 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 certificate. 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 offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Farrell was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Farrell submitted a written response on June 21, 2012. In that response she also requested to appear before the Board.

Farrell’s Hearing Response was essentially identical to her Answer, with the addition of a paragraph that recalled a recommendation from her former English Supervisor at John F. Kennedy High School in Paterson. According to Farrell, that letter “reveals that my ability to be a master of my trade was never in question. I remained highly productive and effective in my chosen profession throughout my career.” (Hearing Response, p. 2). Farrell stated that she had no response as to what would be an appropriate sanction as she wanted to maintain her certification so she could continue to be an effective teacher in the future. (Hearing Response, p. 2).

In testimony before the Board, Farrell noted that at the time of her arrest, she was a single mother to two children and was the sole caretaker for her mother who had suffered a stroke years

prior, which resulted in her having total memory loss. Farrell indicated that she attends AA meetings on a regular basis, that both of her children are in college and that she is gainfully employed as the Director of Customer Relations at an auto dealership. She indicated that her life is good now but that she loved teaching and wants to get back to it. Farrell stated that she worked hard to obtain her certification and, at the time of her arrest, her attorney told her that it would not affect her teaching certificate.

The threshold issue before the Board in this matter is whether Farrell's conviction constitutes conduct unbecoming a certificate holder. At its meeting of January 25, 2013, the Board considered the allegations in the Order to Show Cause, Farrell's Answer, Hearing Response and testimony. The Board determined that no material facts related to Farrell's offense were in dispute since she never denied that she had engaged in the conduct alleged and been convicted. Thus, the Board determined that summary decision was appropriate in this matter. *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 Board must now determine whether Farrell's conviction, as set forth in the Order to Show Cause, represents just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Although Farrell's convictions for False Report to Incriminate

Another and DWI (3<sup>rd</sup> offense) clearly undermine her status as a role model, the court saw fit to offer her an attempt at rehabilitation. Moreover, she has provided evidence that serves to mitigate her penalty here. However, the Board would not be mindful of its responsibilities to New Jersey's public school children if it did not ensure that Farrell was ready to return to the classroom. The Board therefore believes that the appropriate penalty in this case is a two-year suspension of Farrell's certificate, with reinstatement conditioned on the submission of proof of a driving record free of DUIs or DWIs during the suspension period.

Accordingly, on January 25, 2013, the Board voted to suspend Rose Farrell's Teacher of English certificate for a period of two years, with reinstatement conditioned on the submission of proof of a driving record free of DUIs or DWIs during the suspension period.\* On this 28th day of February 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Rose Farrell's certificate be effective immediately. It is further ORDERED that Farrell 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.

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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:6-38.4.

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**\* The suspension was lifted on April 17, 2015, when Farrell provided proof of compliance with the condition in the decision.**