

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MAREN SUGARMAN : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1314-143

At its meeting of November 1, 2013, the State Board of Examiners (Board) reviewed a decision forwarded by the Arbitrator assigned pursuant to *N.J.S.A. 18A:6-16* to hear the tenure case of Maren Sugarman. *Orange Township Board of Education and Maren Sugarman*, Docket No. 140-6/13 (Arbitrator's Decision, September 17, 2013). Sugarman currently holds a Teacher of Speech Arts and Dramatics Certificate of Eligibility, issued in February 2004 and a Teacher of Speech Arts and Dramatics certificate, issued in March 2008.

This case originated when the Orange Township Board of Education (Orange) certified tenure charges against Sugarman alleging unbecoming conduct. Orange alleged that Sugarman had slapped a student, thereby committing corporal punishment in violation of *N.J.S.A. 18A:6-1* and district policy. (Arbitrator's Decision, slip op. at 2). Sugarman admitted that she slapped student N.M. after he had drawn on another student's project with a red marker. *Id.* at 4. N.M. had retaliated against that student, A.P., because she had drawn on his project, upsetting him. *Id.* at 3-4. When Sugarman went to take the marker from N.M.'s hand, he resisted and pulled back. Sugarman then slapped his face. *Id.* at 4. Sugarman also admitted that she immediately realized she had acted inappropriately and tried to apologize to N.M. *Ibid.*

In her Decision (which is incorporated herein by reference), the Arbitrator concluded that Sugarman had violated *N.J.S.A. 18A:6-1*, the statute against corporal punishment. *Id.* at 7-8. Furthermore, the Arbitrator found that Sugarman's conduct led the class to spiral out of control and led to repeated teasing of N.M. to the point where he felt the need to change schools. *Id.* at 8. The Arbitrator concluded that Sugarman's recognition of her conduct, her efforts to correct her behavior through counseling and her brief teaching record were not enough to mitigate her egregious conduct in slapping N.M. *Id.* at 9. Moreover, the Arbitrator also noted that Sugarman's loss of control and N.M.'s

humiliation, which led him to switch schools, supported Orange's concerns that Sugarman could not continue to teach successfully there. *Ibid.* Sugarman was therefore found guilty of unbecoming conduct and the Arbitrator determined that Sugarman's conduct warranted her dismissal from her tenured employment. *Ibid.*

Thereafter, on December 6, 2013, the Board issued Sugarman an Order to Show Cause as to why her certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing. The Board sent Sugarman the Order to Show Cause by regular and certified mail on December 11, 2013. The Order provided that Sugarman's Answer was due within 30 days. Sugarman responded on January 7, 2014.

In that Answer, Sugarman admitted that she had slapped the student and tried to apologize. (Answer, ¶ 4). She also stated that the Arbitrator's decision spoke for itself but admitted that she lost her tenured position as a result of the charges proven in the tenure proceeding. (Answer, ¶¶ 5, 6). Sugarman also maintained that the allegations in the Order to Show Cause were not sufficient to justify the revocation of her certificates and that she was entitled to a hearing before the Office of Administrative Law. (Separate Defenses, ¶¶ 1, 2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 29, 2014, the Board sent Sugarman a hearing notice by regular and certified mail. The certified mail receipt was signed and returned and the regular mail copy was not returned. The notice explained that it appeared that no material facts were in dispute. Thus, Sugarman 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 determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Sugarman's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Sugarman was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Sugarman did not respond to the Hearing Notice.

The threshold issue before the Board in this matter, therefore, is whether Sugarman's conduct and her subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of April 4, 2014, the Board considered the allegations in the Order to Show Cause as well as Sugarman's Answer. The Board determined that no material facts related to Sugarman's offense were in dispute since she admitted to the conduct alleged and agreed that she had lost her tenured position as a result of the tenure proceedings brought against her. 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 Sugarman's conduct as set forth in the Order to Show Cause, represents just cause to act against her certificates 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*. As the Arbitrator noted, Orange sustained its charges of unbecoming conduct against Sugarman. There can be no dispute that Sugarman's act in striking a student, in conjunction with the negative effects that conduct had on the student's schooling, amply demonstrated the necessity of removing Sugarman from her tenured position in Orange. It is well settled that unfitness to teach 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). In this case, however, while Sugarman's conduct merits a strong rebuke, her abject remorse expressed immediately after the incident, her swift entry into in-patient treatment for mental health issues and the exigent personal circumstances with which she was contending in the days before the incident, lead the Board to believe that suspension, not revocation, is the appropriate response here. There is nothing in the record to indicate that just because Sugarman could no longer effectively fulfill her responsibilities in Orange that she could not function successfully as a teacher elsewhere. The Board therefore determines that Sugarman's unbecoming conduct merits a one-year suspension of her certificates.

Accordingly, on April 4, 2014, the Board voted to suspend Maren Sugarman's Teacher of Speech Arts and Dramatics Certificate of Eligibility and her Teacher of Speech Arts and Dramatics certificate for one year. On this 22nd day of May 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Sugarman's certificates be effective immediately. It is further ORDERED that Sugarman return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Orange, 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 *N.J.S.A.* 18A:6-38.4.

RRH/MZ/th