

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFIATES OF : STATE BOARD OF EXAMINERS
ANDREA CONSALES : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-217

At its meeting of April 6, 2017, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) and the Passaic County Prosecutor's Office (PCPO) regarding Andrea Consales. On October 25, 2015, Consales pled guilty to Manslaughter-Committed Recklessly. On January 6, 2017, Consales was sentenced to six years in prison, three years of parole supervision upon release and ordered to have no contact with the victim's family. The CHRU notified the Board that, as a result of her conviction, Consales was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Consales currently holds Teacher of Elementary School in Grades K-8 and Teacher of the Handicapped certificates, both issued in August 1976.

Consales did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of May 12, 2017 to issue Consales an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Consales the Order to Show Cause by regular and certified mail on May 17, 2017. The certified mail receipt was signed and returned and the regular mail copy was not returned. Consales did not file a response. On June 30, 2017, the Board sent Consales another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Consales did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on July 26, 2017, the Board sent Consales a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Consales 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 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 her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Consales was also offered the opportunity to appear before the Board to provide testimony on the sanction issue.

On August 8, 2017, Consales submitted a letter response. In that letter, she asked that the Board take no action in her case until she had an opportunity to meet with counsel and submit a written response. (Correspondence, August 8, 2017). Consales added that she had been a teacher for many years and had always received satisfactory evaluations. (Correspondence, August 8, 2017). On August 16, 2017, the Board granted Consales' request for an extension to reply and allowed her until October 8, 2017 to submit a response. Consales did not submit a response.

The threshold issue before the Board in this matter is whether Consales' conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Consales failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, in determining whether Consales engaged in unbecoming conduct, at its meeting of December 8, 2017, the Board considered only

the allegations in the Order to Show Cause and the information received from the CHRU and the PCPO. The Board concluded that no material facts related to Consales' offense were in dispute since she never denied that she engaged in the conduct alleged and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Consales had engaged in unbecoming conduct.

The Board must now determine whether Consales' conviction and resulting 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:9B-4.4*. 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 a danger. Individuals convicted of crimes such as Manslaughter-Committed Recklessly fall squarely within this category. The strong legislative policy statement is also 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. 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Consales' conviction demonstrates behavior that falls far short of a role model.

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 Board 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 and the Commissioner consider Consales' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on December 8, 2017, the Board voted to revoke Andrea Consales' Teacher of Elementary School in Grades K-8 and Teacher of the Handicapped certificates. On this 19th day of January 2018, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Consales' certificates be effective immediately. It is further ORDERED that Consales return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

RRH/MZ/th

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.