

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARIA SACO : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-305

At its meeting of July 17, 2008, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Maria Saco was convicted in July 2005 of endangering the welfare of a child. As a result of the conviction, Saco was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Saco currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in September 1998, a Teacher of Elementary School certificate, issued in August 1999, and a Teacher of Mathematics certificate, issued in February 2004. Saco 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 Saco an Order to Show Cause at its meeting of September 11, 2008.

The Board sent Saco the Order to Show Cause by regular and certified mail on October 7, 2008. Neither copy was returned. The Order provided that Saco must file an Answer within 30 days. Saco did not file an Answer. After securing a new address for Saco from the Motor Vehicles Commission, on January 6, 2009, the Board sent Saco a second notice by regular and certified mail providing her an additional 15 days in which to file an Answer. The regular mail copy was not returned and the certified mail copy was returned as unclaimed. Saco did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 9, 2009, the Board sent Saco a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute and Saco 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 if 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. Saco was also provided the opportunity to appear before the Board and testify on the sanction issue. The regular mail copy of the notice was not returned and the certified mail copy was returned as unclaimed. Once again, Saco did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Saco's conviction and resulting disqualification constitutes conduct unbecoming a certificate holder. Since Saco 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 Saco's offense were in dispute since she never denied that she had committed the offense nor did she deny that she had been disqualified because of it. Thus, the Board of Examiners 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 State Board of Examiners must now determine whether the conduct underlying Saco's 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: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 dangerous. Individuals convicted of a crime that involves endangering the welfare of a child fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for 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.

In this case, Saco has a conviction for a crime that involved endangering the welfare of a child. 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). Accordingly, the State Board of Examiners finds that Saco's conviction and resulting disqualification from service in the public schools of this State for Endangering the Welfare of a Child provides just cause to take action against her certificates.

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

Accordingly, on June 22, 2009, the Board of Examiners voted to revoke Maria Saco's Teacher of Elementary School Certificate of Eligibility With Advanced Standing, and her Teacher of Elementary School and Teacher of Mathematics 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 Saco's certificates be effective immediately. It is further ORDERED that Saco return her certificates 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: