

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARIA MALANGA : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-133

At its meeting of November 1, 2013, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) regarding Maria Malanga. In August 2006, Malanga pled guilty to Assault and Criminal Mischief-Damage Property. In October 2006, Malanga was sentenced to two years' probation. As a result of the conviction, Malanga was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Malanga currently holds a Teacher of Elementary School certificate, issued in March 1990 a Supervisor certificate, issued in July 1999, a Principal Certificate of Eligibility, issued in July 1999 and a Principal certificate, issued in January 2002.

Malanga 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 December 6, 2013 to issue Malanga an Order to Show Cause why her certificates should not be revoked.

The Board sent Malanga the Order to Show Cause by regular and certified mail on December 11, 2013. The Order provided that Malanga must file an Answer within 30 days. Malanga filed an Answer on December 27, 2013.

In her Answer, Malanga stated that she earned her certificates "through much financial, emotional and mental strain" and that she was dedicated to her studies, earning a near perfect GPA for her masters' degrees. (Answer, ¶ 1). She stated that at the time of the incident leading to her arrest, unbeknownst to her, she was bi-polar. (Answer, ¶ 3). Malanga added that the

charges were filed by her youngest sister who was suffering from severe depression and tried to kill Malanga. She noted that the incident was family related and “did not involve any other members of society.” (Answer, ¶ 3). Malanga also noted that she was now in control of her bipolar status and regularly sees a physician for counseling and medication. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on January 13, 2014, the Board sent Malanga a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Malanga 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 disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Malanga was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Malanga did not respond at that time, but did file an updated response on March 21, 2014.

In that response, Malanga reiterated what she had stated in her Answer, but added details of the physical altercation that she claims transpired when her sister tried to kill her. Malanga described how her sister used a hammer to slam open Malanga’s door, ripped her headphones off, threw Malanga’s computer out of the window, kicked Malanga in the groin, punched her in the face, attempted to bite her nose off and tried to suffocate Malanga by wrapping several cellophane bags around her neck. (Hearing Response, p. ¶ 3).

The threshold issue before the Board in this matter is whether Malanga's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of April 4, 2014, the Board reviewed the allegations in the Order to Show Cause and Malanga's Answer. The Board determined that no material facts related to Malanga's offense were in dispute since she never denied that she had been convicted of the offense charged and subsequently disqualified from public school employment. 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 Malanga'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 a danger. Individuals convicted of a crime such as Assault and Criminal Mischief-Damage Property fall squarely within in 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, Malanga's conviction for Assault and Criminal Mischief-Damage Property demonstrates behavior that falls far short of a role model.

Furthermore, although Malanga would argue otherwise, it is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal conduct, even if the conduct was unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificates. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div. 1943), cert. denied 65 *N.J.* 292 (1974).

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 Malanga's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on April 4, 2014, the Board voted to revoke Maria Malanga's Principal Certificate of Eligibility and her Teacher of Elementary School, Supervisor and Principal certificates. On this 22nd day of May 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Maria Malanga's certificates be effective immediately. It is further ORDERED that Malanga 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:6-38.4.