

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LAURA YACONO : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-106

At its meeting of December 10, 2020, the State Board of Examiners (Board) reviewed information regarding Laura Yacono. The Office of Student Protection (OSP), and the Monmouth County Superior Court provided information to Board regarding Yacono. On June 15, 2019, Yacono was charged with Possession CDS/Analog, Possession Prescription/Legend Drug without Prescription and Use/Possession with Intent to Use Drug. On September 6, 2019, Yacono was charged with Possession of CDS/Analog and Use with Possession to Use Drug. As a result of all the above charges, on May 15, 2020, Yacono pled guilty to an Amended charge of Conspiracy – Agree to Engage in Conduct Constituting a Crime (3rd degree). She was sentenced to fines and penalties. The OSP notified the Board that, as a result of her conviction, Yacono is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Yacono holds a Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing.

Yacono 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 January 22, 2021 to issue Yacono an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Yacono the Order to Show Cause by regular and certified mail on January 27, 2021. The Order provided that Yacono had 30 days to respond. The certified mail card was received and signed for and the regular mail was not returned. Yacono did not respond.

Thereafter, on March 9, 2021, the Board sent Yacono another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was signed for and the regular mail copy was not returned. Yacono did not file a response.

Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 13, 2021, the Board sent Yacono 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, Yacono 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 his defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Yacono was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was signed for and the regular mail copy was not returned. Once again, Yacono did not file a response.

The threshold issue before the Board in this matter is whether Yacono's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Yacono 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, at its meeting of June 25, 2021 the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to Yacono's offense were in dispute since she never denied that she engaged in the conduct alleged and had been convicted 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 Yacono engaged in unbecoming conduct.

The Board must now determine whether Yacono's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificate 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 were not proper examples for them. Individuals convicted of crimes such as Conspiracy and Possession of Controlled Dangerous Substances (CDS) 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, Yacono’s conviction for Conspiracy (3rd degree) and Possession of CDS 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 herself out as a teacher. Thus, because the Legislature and the Commissioner consider Yacono’s offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on June 25, 2021, the Board voted to revoke Laura Yacono’s Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing. On this 30th day of July 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Yacono’s certificate be effective immediately. It is further ORDERED that Yacono return her certificate 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.

Rani Singh, Secretary
State Board of Examiners

Date of Mailing:

By Certified and Regular Mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.