

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LISA DENARDI : ORDER OF SUSPENSION
_____ : DOCKET NO: 0708-110

At its meeting of January 17, 2008, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Lisa Denardi was convicted in 2000 on charges of possession of marijuana. As a result of such conviction, Denardi was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Denardi did not appeal the disqualification before the Commissioner of Education. Denardi currently holds a Teacher of Mathematics Certificate of Eligibility With Advanced Standing, issued in June 2007. Upon review of the above information, at its February 21 2008 meeting, the State Board of Examiners voted to issue Denardi an Order to Show Cause.

The Board sent Denardi the Order to Show Cause by regular and certified mail on February 29, 2008. The Order provided that Denardi must file an Answer within 30 days. Denardi filed an Answer on March 24, 2008. In that Answer, Denardi admitted that she was fingerprinted as part of a criminal history background check and was “crushed” when she learned of her disqualification. (Answer, p.1). Denardi also added that she “made a stupid mistake and paid the consequences.” (Answer, p. 1). She stated that she was in the process of having the offense expunged and submitted documentation to that effect. (Answer, p. 2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 31, 2008, a hearing notice was mailed by regular and certified mail to Denardi. The notice explained that since it appeared no material facts were in dispute regarding her offense, she 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 her disqualifying offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The notice also allowed her the opportunity to appear before the Board and/or submit documentation to present testimony regarding the penalty phase of her hearing. On, May 1, 2008, Denardi submitted letters attesting to her character from a variety of individuals and a copy of her invoice from the company handling her expungement. She also submitted a letter attesting to the fact that she had gotten her life on track since her offense by returning to college, securing a teaching degree and becoming a devoted Christian.

At its meeting of June 5, 2008, the State Board of Examiners reviewed the charges and papers Denardi filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Denardi'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 issue before the State Board of Examiners in this matter, therefore, is whether Denardi's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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 to them. In 1989, the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. *See N.J.S.A. 18A:6-7.1(b)*. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. *See In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689*. To that end, the State and its schools have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. *See In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988)*. Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school-aged pupils. Accordingly, the State Board of Examiners finds that Denardi's disqualification from service in the public schools of this State because of her conviction for possession of marijuana provides just cause to take action against her certificate.

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 license 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. Because the Legislature considers Denardi's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for her disqualification is her removal from the classroom. However, because Denardi is in the process of obtaining an expungement of her offense and has submitted evidence proving that fact,

suspending her certificate pending the completion of the expungement proceedings will provide the necessary protection for New Jersey's students.

Accordingly, on June 5, 2008 the Board of Examiners voted to suspend Lisa Denardi's Teacher of Mathematics Certificate of Eligibility With Advanced Standing pending demonstration that her disqualifying crime is expunged. On this 17th day of July 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Denardi's certificate be effective immediately. It is further ORDERED that Denardi return her certificate 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: JULY 28, 2008

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.A.C. 6A:4-1.3(b)*.