

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
AMALBI PEREZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-203

At its meeting of March 1, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) indicating that respondent Amalbi Perez was convicted in October 2010 of Theft of Movable Property (\$54,102). As a result of the conviction, Perez was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Perez currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in June 2001 and a Teacher of the Handicapped certificate, issued in June 2001. Perez 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 April 2, 2012 to issue Perez an Order to Show Cause why her certificates should not be revoked.

The Board sent Perez the Order to Show Cause by regular and certified mail on April 4, 2012. The Order provided that Perez must file an Answer within 30 days. Perez responded on April 28, 2012. After admitting the allegations in the Order to Show Cause, Perez argued that she always was and would continue to be “an individual with high values/morals, strong sense of family, and strong work ethics and consider that my certificates should not be revoked.” (Answer, ¶ 7). She noted that at the time of her conviction she was undergoing a very stressful period in her life dealing with a separation and a family illness. (Answer, ¶ 7). She stated that she was desperate at the time to provide for her family and that her “actions were never done with malice to harm nor intentionally deceive those affected.” (Answer, ¶ 7). Finally, after further expressing her remorse, Perez added that she hoped to have her crime expunged when her probationary period ended so that she could “continue to make a positive difference in the life of a child.” (Answer, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 2, 2012 the Board sent Perez a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in

dispute. Thus, Perez 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. Perez was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Perez did not submit a response.

The threshold issue before the Board in this matter is whether Perez's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of July 26, 2012, the Board considered the allegations in the Order to Show Cause and Perez's Answer. The Board determined that no material facts related to Perez's offense were in dispute since she never denied that she had been convicted of the offense charged and sentenced accordingly. 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 Perez'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 dishonest. Individuals convicted of a crime such as Theft of Movable Property fall squarely within this category. This strong legislative policy statement is 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. Clearly, Perez's conviction indicates her actions here are not those 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 considers Perez's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Perez's certificates.

Accordingly, on July 26, 2012, the Board voted to revoke Amalbi Perez's Teacher of Elementary School Certificate of Eligibility With Advanced Standing and her Teacher of the Handicapped certificate. On this 21st day of September 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Amalbi Perez's certificates be effective immediately. It is further ORDERED that Perez 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.