

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ROSE L. FARRELL : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-216

At its meeting of April 13, 2018, the State Board of Examiners (Board) reviewed information the Criminal History Review Unit (CHRU) had forwarded regarding Rose L. Farrell. On July 4, 2016, Farrell was charged with Criminal Mischief after she allegedly punched a glass cabinet during a verbal dispute, causing it to break. That charge was later dismissed. On December 16, 2016, Farrell was charged with Aggravated Assault on a Law Enforcement Officer after she slapped a police officer and refused to get on a stretcher when she was found on the street, intoxicated. The charge was downgraded and remanded to municipal court where Farrell was convicted of Refusal to Obey. Prior to those events, on January 25, 2013, the Board had suspended Farrell's certificate for a period of two years as a result of three DWI convictions.

Farrell currently holds a Teacher of English certificate. Upon review of the above information, at its May 24, 2018 meeting, the Board voted to issue Farrell an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Farrell the Order to Show Cause by regular and certified mail on May 29, 2018. The Order provided that Farrell had 30 days to respond. Neither the certified mail copy nor the regular mail copy was returned. Farrell did not respond. On July 31, 2018 the Board sent Farrell another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Neither the certified mail copy nor the regular mail copy was returned. Farrell did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 23, 2018, the Board sent Farrell 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, Farrell 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 certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Farrell's offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Farrell 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. Once again, Farrell did not file a response.

The threshold issue before the Board in this matter is whether Farrell's conduct and conviction constitutes conduct unbecoming a certificate holder or other just cause. Since Farrell 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 December 17, 2018, the Board considered only the allegations in the Order to Show Cause and the information received from the CHRU. The Board concluded that no material facts related to Farrell's offense were in dispute since she never denied that she had been convicted or engaged in the alleged conduct. Thus, the Board 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 Farrell had engaged in unbecoming conduct.

The Board must now determine whether Farrell's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9B-4.4*. "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). Farrell's

conviction for Refusal to Obey and her multiple incidents stemming from her intoxication clearly demonstrate conduct that is unacceptable for a role model. Moreover, it is obvious that she has not done anything to ameliorate her behavior since her prior certificate suspension. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificate.

Accordingly, on December 17, 2018, the Board voted to revoke Rose L. Farrell's Teacher of English certificate. On this 24th day of January 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Farrell's certificate be effective immediately. It is further ORDERED that Farrell 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.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:
Via 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.