

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
DANA L. MACMURRAY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2122-104

At its meeting of September 17, 2021, the State Board of Examiners (Board) reviewed information received from the Office of Student Protection (OSP). MacMurray has four (4) convictions for Possession of Controlled Dangerous Substances (CDS) (3rd degree), along with convictions for Receiving Stolen Property Value of \$200-\$499 (4th degree), and Shoplifting – Taking Merchandise without Paying (4th degree). The OSP notified the Board that because of her convictions, MacMurray is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* MacMurray holds a Teacher of Spanish Certificate of Eligibility.

MacMurray 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 October 28, 2021 to issue MacMurray an Order to Show Cause as to why her certificate should not be revoked.

The Board sent MacMurray the Order to Show Cause by regular and certified mail on November 2, 2021. The Order provided that MacMurray had 30 days to respond. The certified mail copy was signed for and the regular mail copy was not returned. MacMurray did not file a response.

Thereafter, on February 11, 2022, the Board sent MacMurray 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. MacMurray did not file a response.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on March 25, 2022, the Board sent MacMurray 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, MacMurray 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 her offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. MacMurray 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, MacMurray did not file a response.

The threshold issue before the Board in this matter is whether MacMurray’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since MacMurray 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 30, 2022, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor’s Office and the OSP. The Board concluded that no material facts related to MacMurray’s offense were in dispute since she never denied that she engaged in the conduct alleged 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 MacMurray had engaged in unbecoming conduct.

The Board must now determine whether MacMurray'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 to be a danger. Individuals convicted of crimes such as possession of a Controlled Dangerous Substance and receiving stolen property 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, MacMurray's conviction 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 MacMurray's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on June 30, 2022, the Board voted to revoke Dana L. MacMurray's Teacher of Spanish Certificate of Eligibility. On this 5<sup>th</sup> day of August 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of MacMurray's certificate be effective immediately. It is further ORDERED that MacMurray 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.

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Rani Singh, Secretary  
State Board of Examiners

RS/KAG/cf

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.