

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARIA C. (GOMEZ) HERRERA : ORDER OF SUSPENSION
_____ : DOCKET NO: 2425-111

At its meeting of November 1, 2024, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) and the Monmouth County Prosecutor's Office (MCPO) regarding Maria C. (Gomez) Herrera. Herrera currently holds a Teacher of Preschool through Grade 3 Certificate of Eligibility, issued in February 2004; a standard Teacher of Preschool through Grade 3 certificate, issued in March 2005; a Teacher of Elementary School in Grades K-6 standard certificate, issued in March 2008; and a Teacher of English as a Second Language standard certificate, issued in September 2021.

On or about January 27, 2023, Herrera was charged with Endangering the Welfare of a Child (3rd degree), *N.J.S.A.* 2C:24-4a(2); and Operating Under the Influence, *N.J.S.A.* 39:4-50. It is alleged that Herrera drove her vehicle while under the influence and caused her motor vehicle to crash with her seven-year-old child in the vehicle.

On March 18, 2024, Herrera received an Order of Postponement and was entered into the Pre-Trial Intervention probation program ("PTI") for a period of 12 months after entering a guilty plea to Operating Under the Influence, *N.J.S.A.* 39:4-50. Herrera was ordered to complete mandatory alcohol and drug monitoring, install ignition interlock, and pay fines, fees and/or penalties.

Upon review of the above information, the Board voted at its December 6, 2024 meeting to issue Herrera an Order to Show Cause as to why her certificates should not be revoked. The Board sent Herrera the Order to Show Cause by regular and certified mail, return receipt requested,

on December 12, 2024. The Order provided that Herrera had 30 days to respond pursuant to *N.J.A.C.* 6A:9B- 4.6(b). On January 9, 2025, Herrera submitted an Answer to the Order to Show Cause. *See Answer.*

In her Answer, Herrera admitted that she drove her vehicle while under the influence of drugs and/or alcohol with her seven-year-old child in the vehicle and caused her vehicle to crash. *Id.* at ¶ 4. She also admitted that she pled guilty to Operating Under the Influence, *N.J.S.A.* 39:4-50, was entered into PTI for a period of 12 months, and ordered to complete mandatory alcohol and drug monitoring, install an ignition lock, and pay fees and penalties. *Id.* at ¶ 5. However, she denied that this conduct warranted revocation of her certificates and provided mitigation for the Board to consider when reviewing her matter. *Id.* at ¶ 6.

Specifically, Herrera stated that on the date of the alleged incident, she had “discovered her husband’s infidelity” and “was not in her normal frame of mind[.]” *Ibid.* She also stated that she has “spent the last two years dedicating herself to sobriety and serving her community[.]” successfully completed her PTI program, and helps others in their own efforts towards becoming sober. *Ibid.* Further, she stated that she was an exemplary educator, earning the Educator of the Year award in 2020, and submitted letters of support from her superintendent, psychotherapist, pastor, AA sponsor and the Director of Personnel at an employing district. *Ibid.*

Pursuant to *N.J.A.C.* 6A:9B-4.6(e), on March 21, 2025, the Board sent Herrera a hearing notice by regular and certified mail, return receipt requested. The notice explained that there appeared to be no dispute as to material facts in this matter. Thus, Herrera 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. Herrera was also offered the opportunity to appear before the Board to provide testimony on the sanction issue.

On April 21, 2025, Herrera submitted a brief through counsel and requested to appear before the Board. In her brief, Herrera stated that the day in question was clearly her worst day and one “she will live with for the rest of her life.” *See Written Submission*, p. 1. She also stated that she had been employed at Long Branch School District for 18 years. *Id.* at 2. Herrera argues that the Board has previously suspended educators “when the conduct is for a one-time lapse of judgment where the teacher shows remorse, rehabilitation, and no ongoing risk.” *Ibid.* And that the prior matters cited in her submission justify a suspension, and not revocation, of Herrera’s certificates. *Id.* at 4. At its meeting of May 22, 2025, the Board heard testimony from Herrera and her counsel.

The Board has the authority to “issue appropriate certificates to teach or to administer” and “may revoke the same under rules and regulations prescribed by the State board.” *N.J.S.A.* 18A:6-38; *see also N.J.A.C.* 6A:9B-3.2 and -4.4); *Morison v. Willingboro Bd. of Educ.*, 478 N.J. Super. 229 (App. Div. 2024), *cert. denied* 258 N.J. 143 (July 11, 2024). The Board may take action against a 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; *see also Morison*, 478 N.J. Super. at 246, 248 (explaining the Board is responsible for protecting schoolchildren from improper teacher conduct and may suspend or revoke an educator’s continued ability to serve as a teacher at any public school based on unbecoming conduct).

The threshold issue before the Board in this matter is whether Herrera’s actions here constitute conduct unbecoming a certificate holder or other just cause. Herrera did not dispute the allegations in the Order to Show Cause. Consequently, at its meeting of June 26, 2025, the Board

considered only the allegations in the Order to Show Cause and the information received from OSP and MCPO. Because the allegations were not disputed, the Board concluded that no material facts related to Herrera's offenses were in dispute. And because no material facts related to Herrera's conduct were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

The Board finds that Herrera engaged in conduct unbecoming of an educator. Unbecoming conduct is defined as "conduct 'which adversely affects the morale or efficiency of the [department]' or 'has a tendency to destroy public respect for [government] employees and confidence in the operation of [public] services.'" *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017) (quoting *In re Young*, 202 N.J. 50, 66 (2010) (citing *Karins v. Atl. City*, 152 N.J. 532, 554 (1998))). "[A] finding of unbecoming conduct 'need not be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legal correct.'" *Id.* at 13-14 (quoting *Karins*, 152 N.J. at 555). "It focuses on the morale, efficiency, and public perception of an entity, and how those concerns are harmed by allowing teachers to behave inappropriately while holding public employment." *Id.* at 14. "The touchstone of the determination lies in the certificate holder's 'fitness to discharge the duties and functions of one's office or position.'" *Young*, 202 N.J. at 66 (quoting *In re Grossman*, 127 N.J. Super. 13, 29 (App. Div. 1974)).

Here, the Board finds that actions of driving under the influence with a child in the car, and crashing her vehicle to crash clearly demonstrate conduct that is unacceptable for a role model. Thus, the Board finds that Herrera engaged in conduct unbecoming an educator and provides the basis for the Board's finding.

Having found that Herrera engaged in unbecoming conduct, the Board must now determine the appropriate penalty to be applied. In doing so, the Board considers the “nature and gravity of the offenses under all the circumstances involved, any evidence as to provocation, extenuation or aggravation,” and any “harm or injurious effect” on the maintenance of discipline and the proper administration of the school system. *In re Fulcomer*, 93 N.J. Super. 404, 422 (App. Div. 1967). “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. Fitness to teach depends on a broad range of factors, including the teacher’s impact and effect upon the students, because a “teacher works in a sensitive area in a schoolroom” and “shapes the attitude of young minds toward the society in which they live.” *Grossman*, 127 N.J. at 30 (*quoting Adler v. Bd. of Educ. of City of New York*, 342 U.S. 485 (1952)). Importantly, unfitness to hold a position in a school system may be shown by one incident if sufficiently flagrant. *Fulcomer*, 93 N.J. Super. at 421; *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, the Board concludes that the appropriate response to Herrera’s breach in conduct of an educator is a suspension of her certificates. Based on the testimony provided and the evidence submitted, Herrera’s one-time lapse in judgment in an otherwise stellar teaching career, combined with the mitigation evidence of her sobriety and her support by her employing district warrants a six-month suspension. Thus, a suspension of her certificates is the appropriate response in this matter.

Accordingly, on June 26, 2025, the Board voted to suspend Maria C. (Gomez) Herrera’s Teacher of Preschool through Grade 3 Certificate of Eligibility, Teacher of Preschool through

Grade 3 standard certificate, Teacher of Elementary School in Grades K-6 standard certificate, and Teacher of English as a Second Language standard certificate. On this 8th day of August 2025, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Herrera's certificates are SUSPENDED for a period of six (6) months, effective immediately. It is further ORDERED that Herrera return her paper certificates, if issued, 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.