

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LIZA CRUZ-DIAZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-189

At its meeting of April 4, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Liza Cruz-Diaz. The CHRU notified the Board that, in 2012, Cruz-Diaz was convicted in New York of Grand Larceny. The CHRU notified the Board that, as a result of her conviction, Cruz-Diaz was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Cruz-Diaz currently holds a Principal Certificate of Eligibility and a Teacher of The Handicapped certificate, both issued in April 2004.

Cruz-Diaz 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 May 22, 2014 to issue Cruz-Diaz an Order to Show Cause why her certificates should not be revoked.

The Board sent Cruz-Diaz the Order to Show Cause by regular and certified mail on May 28, 2014. The Order provided that Cruz-Diaz must file an Answer within 30 days. Cruz-Diaz filed a response on June 27, 2014.

In that Answer, Cruz-Diaz stated that she had been hired at a charter school in Newark in November 2014 and had disclosed her Grand Larceny plea at the time of her hire. (Answer, p. 1). She explained that during the 2011 and 2012 school years she had to sign out of school abruptly on many occasions because of issues at home. (Answer, p. 1). She stated that she would ask her secretary to “punch” her out but had no idea that the secretary was doing so only when the secretary was ready to leave at the end of the day, thereby giving Cruz-Diaz credit for

more hours than she actually worked. (Answer, p. 1). Cruz-Diaz noted that since she was signing the monthly report, as Head Administrator she was ultimately responsible for not having looked at it more closely and pled guilty. (Answer, p. 1). Cruz-Diaz said she was given no probation and received a certificate of release which expires in May 2015, which will allow her to pursue employment in New York again. (Answer, p. 1). She argued that she was a successful educator for 24 years and that the “one and nay blemish on my record should not condemn me for life from the profession I truly enjoy.” (Answer, p. 1). She added that she never hurt a child and “actually made a difference in many of their lives.” (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on August 5, 2014, the Board sent Cruz-Diaz a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Cruz-Diaz 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. Cruz-Diaz was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Cruz-Diaz did not respond.

The threshold issue before the Board in this matter is whether Cruz-Diaz’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of October 23, 2014, the Board considered the allegations in the Order to Show Cause and Cruz-

Diaz's Answer. The Board determined that no material facts related to Cruz-Diaz's offense were in dispute since she never denied that she had been convicted of the offense charged and been subsequently disqualified. 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 Cruz-Diaz'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:9B-4.5*. 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 a danger. Individuals convicted of a crime such as Grand Larceny 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, Cruz-Diaz's conviction for Grand Larceny 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 himself out as a teacher. Thus, because the Legislature and the Commissioner consider Cruz-Diaz's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on October 23, 2014, the Board voted to revoke Liza Cruz-Diaz's Principal Certificate of Eligibility and her Teacher of the Handicapped certificate. On this 12th day of December 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Liza Cruz-Diaz's certificates be effective immediately. It is further ORDERED that Cruz-Diaz 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

RRH/MZ/th

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.