

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARITZA WAGENSOMMER : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-216

At its meeting of December 6, 2013, the State Board of Examiners (Board) reviewed information the staff of the Office of Certification and Induction had provided regarding Maritza Wagensommer. In January 2012, the Florida Education Practices Commission entered into a settlement agreement with Wagensommer in which she warranted that she would not apply for or renew her Florida educator's certificate, which was due to expire in June 2012; would never apply for or hold a position requiring a Florida educator's certificate; and was barred from reapplying for a Florida certificate until July 1, 2015. The settlement arose from Wagensommer's history of inappropriate discipline of students despite repeated warnings and reprimands. In 2008 after an administrative hearing, a Florida Administrative Law Judge (ALJ) concluded that in 1992, Wagensommer had placed tape on one student's mouth and told another student to place tape on his mouth; in 2003, Wagensommer pulled a student's hair and received a letter of reprimand; in 2004, Wagensommer inappropriately disciplined a student, A.G., by pulling her by the hair and jerking her head back; and during the 2007-2008 school year Wagensommer pushed and grabbed students, threatened them and forced them to stand for extended periods of time with book bags on their heads. In New Jersey, Wagensommer currently holds a Teacher of Elementary School certificate, issued in July 1984 and a Teacher of Spanish certificate, issued in August 1984. Upon review of the above information, at its January 17, 2014 meeting, the Board voted to issue Wagensommer an Order to Show Cause.

The Board sent Wagensommer the Order to Show Cause by regular and certified mail on January 24, 2014. The Order provided that Wagensommer had 30 days to respond. The certified mail copy receipt was signed and returned and the regular mail copy was not returned. Wagensommer did not respond. Thereafter, on February 28, 2014, the Board sent Wagensommer another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified

mail receipt was signed and returned and the regular copy was not returned. Wagensommer did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 18, 2014, the Board sent Wagensommer a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Wagensommer 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 determined 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 Wagensommer's offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Wagensommer 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. Once again, Wagensommer did not respond.

The threshold issue before the Board in this matter is whether Wagensommer's conduct and her agreement never to apply for a Florida teaching certificate constitute conduct unbecoming a certificate holder. Since Wagensommer failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 15, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Wagensommer's offense were in dispute since she never denied that she had engaged in the alleged behavior. 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 Wagensommer's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. 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:9-*

17.5. “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 matter, Wagensommer’s engaging in multiple acts of excessive discipline, including hair pulling and threats, despite repeated reprimands to cease these types of measures is not merely inappropriate, it is egregious. Her conduct demonstrates behavior that falls so far short of a role model that the Board agrees with the Florida Education Practices Commission that Wagensommer should never set foot in a classroom again. The Board therefore believes that the only appropriate sanction in this case is the revocation of Wagensommer’s certificates.

Accordingly, on July 15, 2014, the Board voted to revoke Wagensommer’s Teacher of Elementary School and Teacher of Spanish certificates. On this 24th day of July 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Maritza Wagensommer’s certificates be effective immediately. It is further ORDERED that Wagensommer 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.

RRH:MZ:th