

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
LOLAMARIE O'ROURKE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1213-203

At its meeting of July 25, 2013, the State Board of Examiners (Board) reviewed information the staff of the Office of Certification and Induction had forwarded regarding Lolamarie O'Rourke. In March 2013, O'Rourke surrendered her administrative certificates in lieu of discipline in Pennsylvania following allegations of misconduct involving violations of Pennsylvania Standard of School Assessment (PSSA) test integrity and security.

In the Settlement Agreement with the Pennsylvania Department of Education (PDE), O'Rourke agreed that she could never contest or defend against the allegations of misconduct in the complaints filed against her. She also agreed to forfeit her right to ever apply for employment with the School District of Philadelphia and recognized that she would be forever ineligible for employment in the district.

In New Jersey, O'Rourke currently holds a Teacher of Elementary School in Grades K-5 certificate, issued in August 2009, a Supervisor certificate, issued in May 2012, a Principal Certificate of Eligibility, issued in May 2012, a School Administrator Certificate of Eligibility, issued in August 2012 and a Reading Specialist certificate, issued in September 2012. Upon review of the above information, at its meeting of September 20, 2013, the Board voted to issue O'Rourke an Order to Show Cause as to why her certificates should not be revoked.

The Board sent O'Rourke the Order to Show Cause by regular and certified mail on September 24, 2013. The Order provided that O'Rourke had 30 days to respond. O'Rourke submitted an Answer on October 22, 2013. In that Answer, she stated that she never admitted to

any of the allegations against her or engaged in any of the alleged conduct. (Answer, ¶ 3). O'Rourke also claimed that because she was the Principal and the school's highest ranking administrator, she was targeted by the PDE as the individual responsible for the actions of her subordinates. (Answer, ¶ 3). O'Rourke added that, although she adamantly denied the allegations, she decided to settle the case in Pennsylvania to avoid a protracted legal fight and significant attorney's fees. (Answer, ¶ 3). She also noted that her teaching licenses in Pennsylvania remained in good standing even though she had surrendered her administrative certificates. (Answer, ¶ 3).

Since there were material facts in dispute, the case was transmitted to the Office of Administrative Law for a hearing. Before the hearing could take place, O'Rourke withdrew her opposition to the Order to Show Cause and the case was transmitted back to the Board.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on May 20, 2015, the Board sent O'Rourke a hearing notice by regular and certified mail. The notice explained that since O'Rourke withdrew her opposition to the Order to Show Cause, the Board would hear the matter directly. Thus, O'Rourke 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 O'Rourke's offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. O'Rourke 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. O'Rourke did not respond to the notice.

The threshold issue before the Board in this matter, therefore, is whether O'Rourke's conduct and the surrender of her Pennsylvania administrative certificates constitute conduct unbecoming a certificate holder. Since O'Rourke withdrew her opposition to the Order to Show Cause, at its meeting of July 30, 2015, the Board had only the allegations contained in the Order to Show Cause to consider. The Board determined that no material facts related to O'Rourke's offense were in dispute since she did not deny that she had surrendered her Pennsylvania administrative certificates in lieu of discipline after being accused of breaching the integrity and security of the PSSA. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 O'Rourke's conduct as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5*. "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, O'Rourke's misconduct

surrounding the PSSA leaves no doubt that she is unfit to be a certificate holder. The Board therefore concludes that the only appropriate response to O'Rourke's breach is the revocation of her New Jersey certificates.

Accordingly, on July 30, 2015, the Board voted to revoke Lolamarie O'Rourke's Principal and School Administrator Certificates of Eligibility and her Teacher of Elementary School in Grades K-5, Supervisor and Reading Specialist certificates. On this 17th day of September 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of O'Rourke's certificates be effective immediately. It is further ORDERED that O'Rourke 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.